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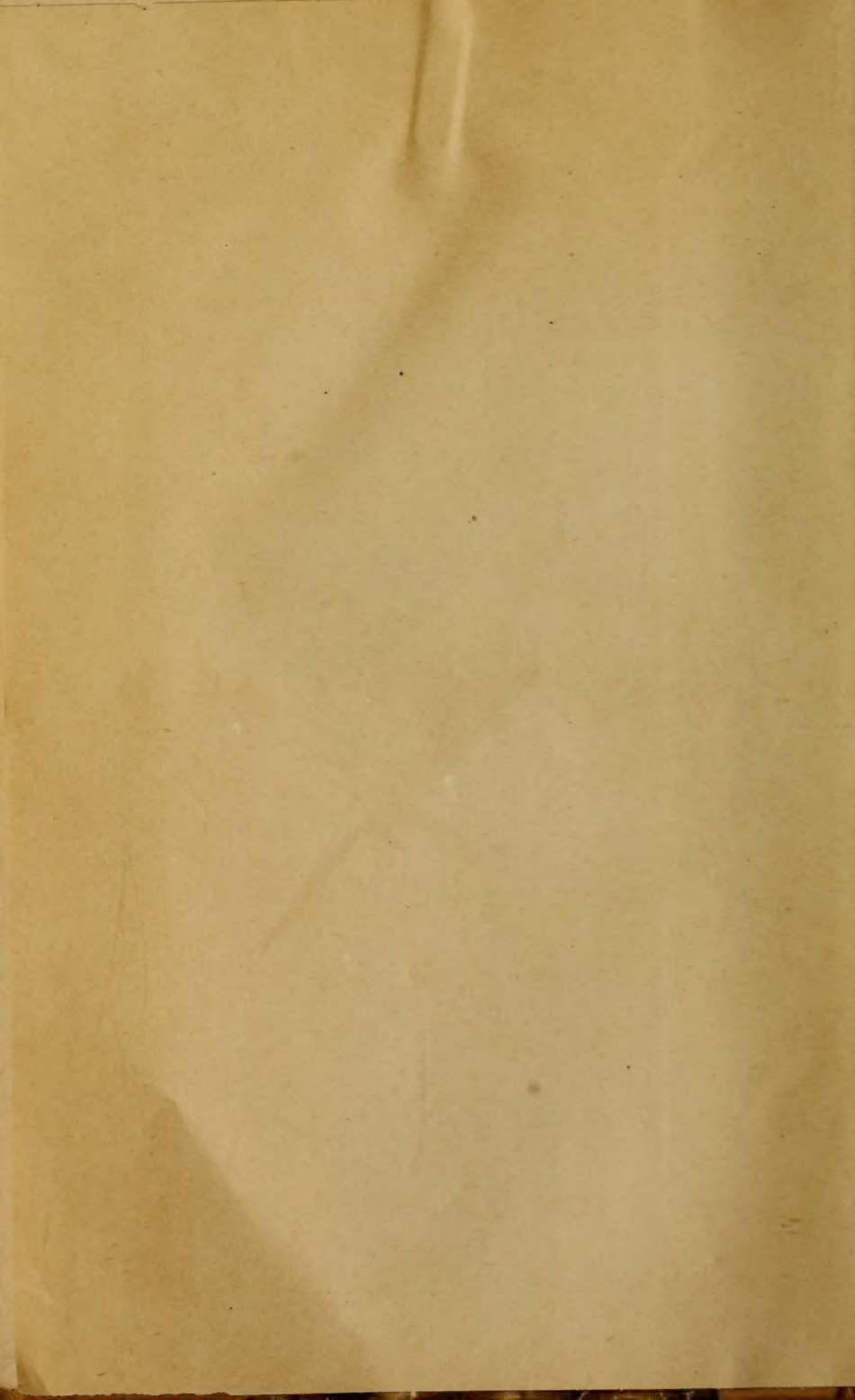


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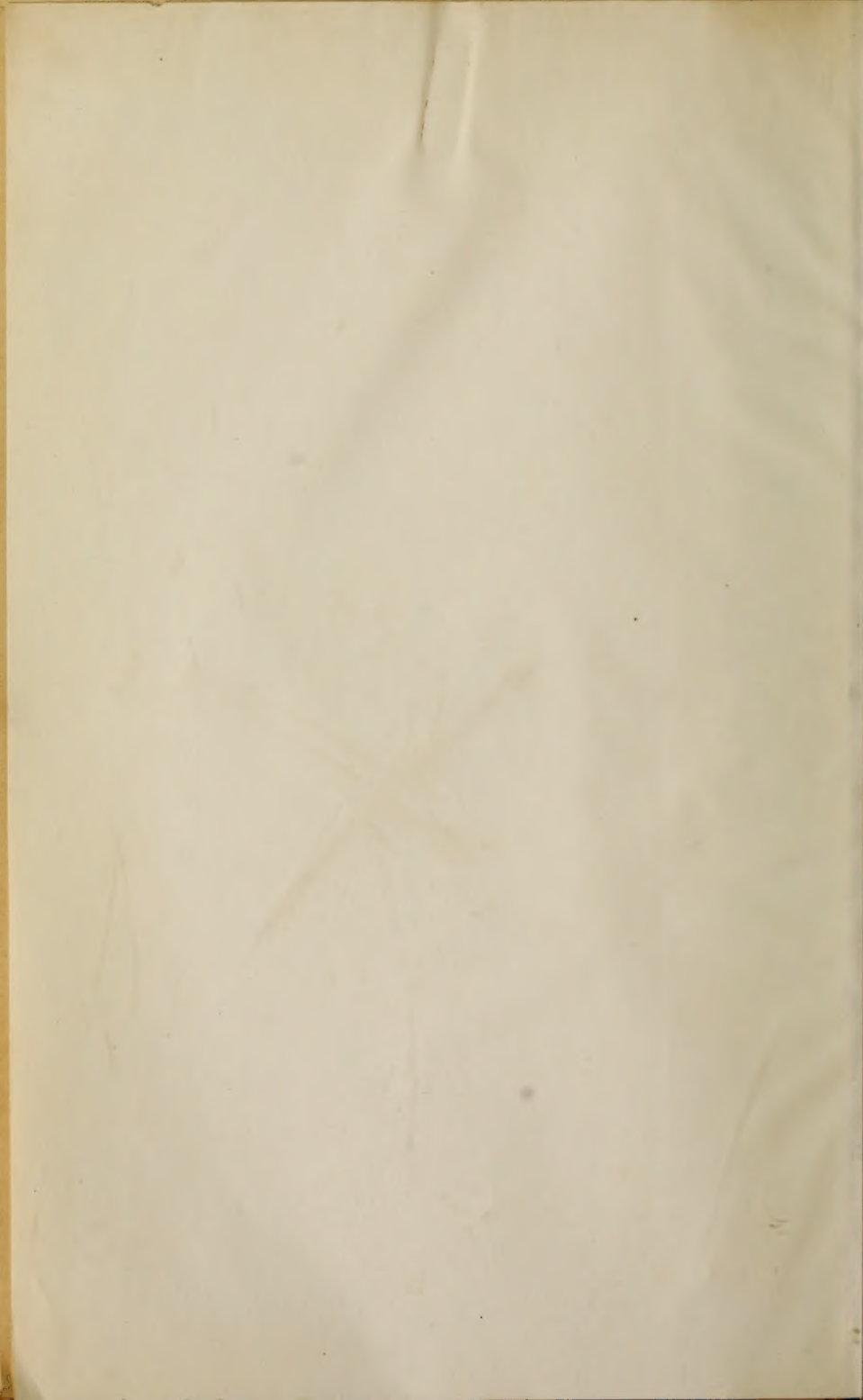
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THE
JOURNAL OF THE SENATE

DURING THE
THIRTY-THIRD SESSION

OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA,
1899.

BEGAN ON MONDAY, JANUARY SECOND, AND ENDED ON SUNDAY, MARCH
NINETEENTH, EIGHTEEN HUNDRED AND NINETY-NINE.



SACRAMENTO:
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1899.

JOURNAL OF THE SENATE

THIRTY-SECOND SESSION

PROCEEDINGS OF THE SENATE OF CALIFORNIA

1890



WILLIAM A. RICE

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CALIFORNIA LEGISLATURE—SENATE.

THIRTY-THIRD SESSION.

IN SENATE.

SENATE CHAMBER,
Monday, January 2, 1899. }

The hour of twelve o'clock M. having arrived, and the Lieutenant-Governor, the Hon. William T. Jeter, not being present, pursuant to the provisions of the Constitution and Section 238 of the Political Code, the senior member, the Hon. Benjamin F. Langford, State Senator from the Fifteenth District, called the Senate to order and announced that the thirty-third session of the Legislature of the State of California was about to convene.

PRAYER.

Prayer was then had, the Rev. C. L. Miel, Chaplain of the Senate during the thirty-second session of the Legislature, offering the same.

ROLL CALL.

By direction of the Senior Senator, the Secretary of the Senate, Hon. Frank J. Brandon, called the roll of the hold-over Senators, and the following answered to their names:

HOLD-OVER SENATORS.

Senators Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Langford, La Rue, Luchsinger, Morehouse, Prisk, Stratton, Trout, and Wolfe—20.

First District—Humboldt and Del Norte: J. N. Gillette.

Third District—Plumas, Sierra, and Nevada: W. F. Prisk.

Fifth District—El Dorado and Placer: E. W. Chapman.

Seventh District—Lake and Napa: C. L. La Rue.

Ninth District—Solano: J. J. Luchsinger.

Eleventh District—Contra Costa and Marin: J. H. Dickinson.

Thirteenth District—Sacramento: G. Doty.

Fifteenth District—San Joaquin: B. F. Langford.

Seventeenth District—San Francisco: S. Braunhart.

Nineteenth District—San Francisco: L. J. Dwyer.

Twenty-first District—San Francisco: E. I. Wolfe.

Twenty-third District—San Francisco: S. Hall.

Twenty-fifth District—San Francisco: J. J. Feeney.

Twenty-seventh District—Alameda: F. S. Stratton.

Twenty-ninth District—San Mateo and Santa Cruz: D. H. Trout.

Thirty-first District—Santa Clara: H. V. Morehouse.

Thirty-third District—San Benito and Monterey: Thomas Flint, Jr.

Thirty-fifth District—Santa Barbara and Ventura: J. J. Boyce.

Thirty-seventh District—Los Angeles: R. N. Bulla.

Thirty-ninth District—San Bernardino, Riverside, and Orange: T. J. Jones.

Whole number of hold-over Senators present, 20.

By direction of the Senior Senator, the Secretary called the roll of the Senators-elect, and the following answered to their names:

SENATORS-ELECT.

Senators Ashe, Bettman, Boggs, Burnett, Currier, Curtin, Cutter, Davis, Hoey, Laird, Leavitt, Maggard, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, and Taylor—20.
Second District—Lassen, Modoc, Shasta, Siskiyou, and Trinity: James T. Laird.
Fourth District—Butte and Tehama: W. F. Maggard.
Sixth District—Sutter, Yolo, and Yuba: W. M. Cutter.
Eighth District—Colusa, Glenn, and Mendocino: John Boggs.
Tenth District—Sonoma: J. C. Sims.
Twelfth District—Mariposa, Merced, Stanislaus, and Tuolumne: J. B. Curtin.
Fourteenth District—Alpine, Amador, Calaveras, and Mono: John F. Davis.
Sixteenth District—Fresno and Madera: Chester Rowell.
Eighteenth District—San Francisco: John A. Hoey.
Twentieth District—San Francisco: F. W. Burnett.
Twenty-second District—San Francisco: Sig. Bettman.
Twenty-fourth District—San Francisco: R. Porter Ashe.
Twenty-sixth District—Alameda: F. W. Leavitt.
Twenty-eighth District—Alameda: A. K. Taylor.
Thirtieth District—Santa Clara: C. M. Shortridge.
Thirty-second District—Inyo, Kings, and Tulare: H. L. Pace.
Thirty-fourth District—Kern and San Luis Obispo: S. C. Smith.
Thirty-sixth District—Los Angeles: C. M. Simpson.
Thirty-eighth District—Los Angeles: A. T. Currier.
Fortieth District—San Diego: A. E. Nutt.

Whole number of Senators-elect present, 20.

By direction of the Senior Senator, each Senator-elect came forward, presented his certificate of election, signed the roll, and took and subscribed to the following oath of office, administered by Superior Court Judge Joseph W. Hughes, of Sacramento County:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Senator to the best of my ability. So help me God.

The Senior Senator thereupon declared a quorum, the full number (40) of Senators being present, and announced that the Senate was prepared to proceed with its business.

APPOINTMENTS.

To the Senate of the State of California:

The following named persons were this day appointed by me to act as officers of the Senate for temporary organization:

Minute Clerk—John L. Childs.
Sergeant-at-Arms—Leslie Blackburn.
Postmistress—Miss Mamie Luchsinger.
Gatekeepers—Earl Byron, J. McCall, I. M. Terrell.
Pages—Nestor Trout, Don Shields, Robert Wright.

F. J. BRANDON, Secretary of the Senate.

RESOLUTION.

The following resolution was offered by Senator Smith:

Resolved, That the Senate proceed to the election of the President pro tempore, the Secretary of the Senate, the Chaplain, and the Sergeant-at-Arms.

Resolution read and adopted.

ELECTION OF PRESIDENT PRO TEM.

The election of President pro tem. of the Senate being in order, the following nominations were made:

Hon. Thomas Flint, Jr., Senator from the Thirty-third District, was nominated by Senator Morehouse.

Senator Flint's nomination was seconded by Senator Dickinson.

Hon. Benjamin F. Langford, Senator from the Fifteenth District, was nominated by Senator Doty.

Senator Langford's nomination was seconded by Senator Sims.

There being no further nominations, the same were declared closed, and the Secretary directed to call the roll.

The roll was called, with the following result:

For Thomas Flint, Jr.—Senators Bettman, Boyce, Bulla, Burnett, Currier, Cutter, Dickinson, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—24.

For Benjamin F. Langford—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Feeney, Flint, Hall, La Rue, Pace, Prisk, and Sims—14.

Whereupon the Senior Senator announced that the Hon. Thomas Flint, Jr., had received a majority of all the votes cast, and declared him duly reelected President pro tem. of the Senate.

ELECTION OF SECRETARY.

The election of Secretary of the Senate being in order, the following nominations were made:

Senator Shortridge nominated Hon. Frank J. Brandon, of Santa Clara County.

Senator Simpson seconded the nomination of Mr. Brandon.

Senator Ashe nominated Mr. Thomas J. Walsh, of San Francisco County.

Senator Braunhart seconded the nomination of Mr. Walsh.

There being no further nominations, the same were declared closed, and the Secretary directed to call the roll.

The roll was called, with the following result:

For Brandon—Senators Bettman, Boyce, Bulla, Burnett, Currier, Cutter, Dickinson, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—25.

For Walsh—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Feeney, Hall, La Rue, Pace, Prisk, and Sims—13.

Whereupon the Senior Senator announced that Mr. Frank J. Brandon received a majority of all the votes cast, and declared him duly reelected Secretary of the Senate.

ELECTION OF CHAPLAIN.

The election of Chaplain of the Senate being in order, the following nomination was made:

Senator Currier nominated Rev. A. J. Sturtevant, of Sacramento County.

Senator Bulla seconded the nomination of Rev. Sturtevant.

There being no further nominations, the same were declared closed and the Secretary directed to call the roll.

The roll was called, with the following result:

For Rev. A. J. Sturtevant—Senators Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Whereupon the Senior Senator announced that Rev. A. J. Sturtevant

had received all the votes cast, and declared him duly elected Chaplain of the Senate.

ELECTION OF SERGEANT-AT-ARMS.

The election of Sergeant-at-Arms of the Senate being in order, the following nominations were made:

Senator Leavitt nominated Mr. J. Louis Martin, of Alameda County.

Senator Simpson seconded the nomination of Mr. Martin.

Senator Sims nominated Mr. George W. Lewis, of Sonoma County.

There being no further nominations, the same were declared closed, and the Secretary directed to call the roll.

The roll was called, with the following result:

For J. Louis Martin—Senators Bettman, Boyce, Bulla, Burnett, Currier, Cutter, Dickinson, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—25.

For George W. Lewis—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Feeney, Hall, La Rue, Pace, Prisk, and Sims—13.

Whereupon the Senior Senator announced that Mr. J. Louis Martin had received a majority of all the votes cast, and declared him duly elected Sergeant-at-Arms of the Senate.

RESOLUTION.

The following resolution was offered by Senator Wolfe:

Resolved, That the rules of the Senate adopted at the last session of the Legislature be adopted as the temporary rules of this Senate, excepting Rules XXXVI and XXXVIII.

Resolution read and adopted.

OATH OF OFFICE.

Senator Thomas Flint, Jr., President pro tem. elect, Frank J. Brandon, Secretary elect, and J. Louis Martin, Sergeant-at-Arms elect, came forward, and each took and subscribed to the following oath of office:

I do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of California, and that I will faithfully perform the duties of [here his office named], to the best of my ability. So help me God.

RECESS.

At twelve o'clock and fifty-two minutes P. M., on motion of Senator Dickinson, the Senate took a recess until four o'clock and thirty minutes P. M.

REASSEMBLED.

At four o'clock and fifty-five minutes P. M., the Senate reassembled.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following Senators answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—40.

Quorum present.

COMMUNICATIONS.

The following communication was read:

To the Senate of California:

I hereby nominate for appointment, Fred L. Thomas, Ernest Michaelis, Miss Phebe Jones, as Assistant Secretaries of the Senate, and respectfully ask your consent to the same.

F. J. BRANDON, Secretary of the Senate.

The question was then put, "Will the Senate advise and consent to the appointment of the persons nominated by the Secretary of the Senate for his Assistants?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

NOES—None.

Whereupon the President pro tem. declared Messrs. Fred L. Thomas and Ernest Michaelis and Miss Phebe Jones duly appointed Assistant Secretaries of the Senate.

The following communication was received and read:

OFFICE OF SERGEANT-AT-ARMS OF THE SENATE.

To the Senate of the State of California:

GENTLEMEN: I hereby nominate for appointment William I. Burns as Assistant Sergeant-at-Arms and C. E. Williams as Bookkeeper to the Sergeant-at-Arms and respectfully ask your consent to the same.

J. LOUIS MARTIN,
Sergeant-at-Arms of the Senate.

The question was then put, "Will the Senate advise and consent to the appointment of William I. Burns as Assistant Sergeant-at-Arms, and C. E. Williams as Bookkeeper to the Sergeant-at-Arms?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

NOES—None.

Whereupon the President pro tem. declared William I. Burns and C. E. Williams duly appointed Assistant Sergeant-at-Arms of the Senate and Bookkeeper to the Sergeant-at-Arms, respectively.

ELECTION OF OFFICERS OF THE SENATE—RESOLUTION.

Senator Cutter offered the following resolution:

Resolved, That the following named be elected to fill the offices of the Senate set opposite their respective names during the thirty-third session of the Legislature:

Minute Clerk—E. F. Mitchell.

Assistant Minute Clerk—D. G. Holt.

Assistant Minute Clerk—G. W. Donahue.

Enrolling and Engrossing Clerk—C. R. Mayhew.

Assistant Enrolling and Engrossing Clerk—Charles Wood.

Journal Clerk—W. F. Mixon.

Assistant Journal Clerk—E. H. Healy.

Postmistress—Miss L. M. Luchsinger.

Assistant Postmistress—Miss M. P. Hughes.

History Clerk—E. M. Swasey.

Bill Filer—H. G. Simpson.
Bill Filer—Samuel Wacholder.
Bill Clerk—W. J. Guilfoyle.
Bill Clerk—George R. Lane.
Messenger to State Printer—George B. Smith.
Mail Carrier—William Cruse.
Gatekeeper—A. L. Tilton.
Gatekeeper—L. A. Chandler.
Gatekeeper—Paul Poggi.
Doorkeeper—P. Callsen.
Gallery Doorkeeper—Warren M. John.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.
NOES—None.

Whereupon the President pro tem. declared each person named in the foregoing resolution duly elected to the office of the Senate set opposite his or her name, respectively.

OATH OF OFFICE.

Each of the officers-elect came forward, took and subscribed to the oath of office, as follows:

I do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of California, and that I will faithfully perform the duties of here his or her office named, to the best of my ability. So help me God.

RESOLUTIONS.

Senator Cutter offered the following resolution:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and is ready to proceed with the business of the State, having elected all its statutory officers.

Resolution read and adopted.

Senator Smith offered the following resolution:

Resolved, That the President of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President pro tem. appointed Senators Smith, La Rue, and Shortridge to call upon the Governor and notify him of the organization of the Senate, and its readiness to receive his communications.

REPORT OF SPECIAL COMMITTEE.

Senator Smith, chairman of the special committee, reported that it had communicated with the Governor as directed, and that His Excellency had notified the committee that he would communicate with the Senate on to-morrow.

The committee was thereupon discharged.

RECESS.

At five o'clock and twenty-five minutes p. m., on motion of Senator Wolfe, the Senate took a recess until eight o'clock p. m.

REASSEMBLED.

At eight o'clock and twenty minutes p. m. the Senate reassembled.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names: }

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

RESOLUTION.

Senator Morehouse offered the following resolution:

Resolved, That the Controller be and he is hereby directed to deliver to the Sergeant-at-Arms, or his Bookkeeper, all the warrants of the members of the Senate, and the officers and attachés thereof, taking his receipt therefor.

Resolution read and adopted.

CONCURRENT RESOLUTION.

Senator Dickinson asked, and was granted unanimous consent, for the consideration of the following concurrent resolution:

SENATE CONCURRENT RESOLUTION No. 1.

Resolved by the Senate, the Assembly concurring, That a committee of three members of the Senate be appointed to confer with a committee of four from the Assembly, to make arrangements for the inaugural ceremonies. Said committee to be appointed by the President of the Senate and Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expenses to be paid equally by the Senate and the Assembly, and not to exceed in the aggregate the sum of twelve hundred and fifty (\$1,250) dollars.

Resolution read.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—32.

NOES—None.

Whereupon the President pro tem. appointed Senators Dickinson, Cutter, and Doty to act in conjunction with the Assemblymen to be chosen in conformity with the above resolution.

Resolution ordered transmitted to the Assembly.

RESOLUTION.

Senator Bettman offered the following resolution:

Resolved, That a committee of three be appointed by the President as a temporary Committee on Attachés, Contingent Expenses, and Mileage.

Resolution read and adopted.

APPOINTMENT OF TEMPORARY COMMITTEE ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

The President pro tem. appointed Senators Bettman, Luchsinger, and Hall as a temporary Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

At eight o'clock and forty-eight minutes P. M., on motion of Senator Leavitt, a recess was declared until nine o'clock P. M.

REASSEMBLED.

The hour of nine o'clock P. M. having arrived, the Senate was called to order.

MOTION.

Senator Wolfe moved that the Senate proceed to take up and consider Assembly messages.

Motion carried.

ASSEMBLY MESSAGE.

The following Assembly message was taken up and read :

ASSEMBLY CHAMBER, SACRAMENTO, January 2, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Resolved, That the Clerk be and he is hereby instructed to notify the Senate that the Assembly is organized by the election of the following officers:

Speaker—Howard E. Wright.

Speaker pro tem.—Alden Anderson.

Chief Clerk—C. W. Kyle.

Sergeant-at-Arms—William O. Banks.

Assistant Clerks—H. S. Wanzer, Frank H. Owen, J. L. Scotchler.

Minute Clerk—R. Q. Wickham.

Assistant Sergeant-at-Arms—W. H. Dable.

Assistant Minute Clerks—A. T. Johnson, Clarke Howard.

Journal Clerk—L. Davis.

Assistant Journal Clerk—Frank J. Murphy.

Bookkeeper to Sergeant-at-Arms—Robert Corlett.

Engrossing and Enrolling Clerk—C. O. Wellock.

Assistant Engrossing and Enrolling Clerk—H. A. Wright.

Bill Filers—S. G. Bailey, George Merritt, Charles Schrebel, E. Howard.

Chaplain—Rev. B. W. Perry.

Postmistress—Miss Reba Blood.

Assistant Postmistress—Miss Lizzie Baxter.

Letter-Carrier—Ed. O'Neill.

Gatekeepers—G. W. B. Yocum, H. H. Squire, Wm. Crane.

Doorkeeper—George Sharp.

History Clerk—M. J. Coleman.

Bill Clerk—P. J. Arnerich.

Assistant Bill Clerks—W. A. Price, E. P. Casterline.

Gallery Doorkeeper—F. Hobro.

Stenographers—H. De Laguna, Miss Ethel Thomas, Miss May Gillis, H. L. Bridges, Frank De Witt, J. F. Gawthorne.

Messenger to State Printer—H. J. McDonald.

Committee Clerks—E. J. Dwyer, J. L. Maude, H. B. Knight, F. L. Glass, S. M. Cosper, L. A. Hilborn, J. L. Gillis, Edwin McMenamon, Owen Lynch, J. L. Glover, Stanley Wilson, Mrs. Ann Chynoweth, C. E. Sweezy, Mrs. H. C. Chipman, P. H. Tyler, J. Breen, J. J. Hall, Robert Clark, Ed. J. Casey, A. B. Evans.

Pages—Gus Carroll, H. Brennan, A. Rogers, Frank Dibble, W. W. Benchley, Willie Saunders.

Page to Speaker—Forest Swears.

And awaits its pleasure in legislative business.

C. W. KYLE, Chief Clerk.

ADJOURNMENT.

At nine o'clock and two minutes P. M., on motion of Senator Dickinson, the Senate adjourned until ten o'clock A. M. of Tuesday, January 3, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 3, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal, Senator Simpson moved that its further reading be dispensed with.

Motion carried.

REGULAR ORDER OF BUSINESS.

PETITION.

The following petition, presented by Senator Stratton, was read:

UNITED STATES SENATE, WASHINGTON, D. C., December 19, 1898.

To the Honorable the Senate and Assembly of the State of California :

With a full and realizing sense of my obligations and responsibility to my country, and especially to the people of California, I venture to address you this petition, and to ask your advice and instructions as to the course you wish me to pursue upon the pending question, as presented, of territorial expansion. I am deeply impressed with the belief that it is fraught with more importance to the welfare of our country than any problem has possessed which has arisen during the present generation.

If an apology is needed for my action in seeking your counsel, it is offered in the declaration that I have always believed, and have reiterated the same in my public utterances, that a public office is a public trust, and that a representative, whether an Alderman of a City Council, a Supervisor of a city and county, a Representative in the State Legislature, or in the Congress of the United States, is but the agent, for the time being, of the people, and should at all times be influenced by the wishes of the majority of his constituents. The present great national question of purchasing far distant foreign territory, densely inhabited by alien races, the people of our State have had the opportunity of studying, and on it arriving at a decision. Therefore I believe it my duty to defer my individual opinion and judgment to the wishes of the people of California, whom I have the honor, in part, to represent in the Senate of the United States.

I owe the honor of my election to the Legislature. Many of the members who voted

for me have been reflected, and all, coming direct from the people, know their sentiments and wishes upon many of the vital political issues of the day. I am strengthened in my sense of duty to the people of California that I should seek through you their advice upon this great question, because on former occasions you have, by joint resolutions, in relation to the construction of the Nicaragua Canal, the railroad, monetary, and other national questions, passed resolutions—the language of which reads: "That our Senators be instructed, and our Representatives in Congress requested," etc.

"The Paris treaty of peace," agreed upon and signed by the Commissioners, must be ratified by two thirds of the Senate present. The people of the United States welcome peace, and the treaty will be ratified, either as a whole or with amendments.

In the absence of instructions, through you, of the people of California, I shall vote to amend section seven of the treaty, which provides for the payment of twenty millions of dollars for the relinquishment of Spain's sovereignty, or her interest in the Philippine Islands, to the United States. I am influenced in this course by the following reasons: The United States require only a military reservation, naval, and coaling station in the Philippine Islands. It also seems to me to be contrary to the spirit of our Constitution to acquire a territory on the Asiatic coast nine times as densely populated as California, whose inhabitants equal in numbers one seventh of the present population of all the United States, and who are, moreover, a mixed people, consisting of Malays, Tagals, Chinese, Visayans, Sulus, and Negritos, that have no conception of a government by the people, and can only be controlled by force of arms. The great governmental success of the United States is due to the fact that back of the Government has been the great patriotic heart of the nation, which has found its source of power in the intellectual, religious, thinking people of the land, who agreed that the ballot-box should be the arbiter of our political differences.

The War Department states that it will require fifty thousand troops to maintain order and protect property in Cuba after all the Spanish troops have been returned to Spain. We now have twenty thousand five hundred troops in Manila, and to garrison the other cities of the island of Luzon it will require three times that number. The control of all the islands means an annual expense for a standing army, the expense of a civil government for the islands, and an additional navy. It is estimated that this will, in all, amount to about one hundred millions of dollars per year. The Secretary of the Navy recommends in his annual report that if we annex the islands the present Congress should authorize the building of three first-class battleships and twelve cruisers; otherwise three armored cruisers will be sufficient to provide for building by the present Congress. This does not make a good business showing, when we consider that the total of exports and imports to and from the Philippine Islands to all countries of the world is estimated at only thirty millions of dollars per annum.

But, it is asked, are not the Philippines capable of development, as was the Louisiana purchase, California, Alaska, and other acquired territory? The answer is *no*. There are no lands to preempt or homestead, as they are already densely populated by Asiatic races, and the islands being located in the tropics the Anglo-Saxon race cannot thrive and build up republican institutions and homes in those low latitudes. The country is subject to earthquakes, tornadoes, floods, and epidemic diseases, and those not immuned to the climate find it impossible to endure it—the mean temperature being 84° F., while the minimum temperature is 59°. The rainfall at Manila averages ninety-nine inches per annum; while in other parts of the islands it reaches 156 inches (13 feet), which makes the humidity of the atmosphere so great that the heat is very oppressive and debilitating. But no stronger evidence can be presented of the undesirableness of these islands as a place to live in than the hundreds of telegrams and letters that daily reach me and others in Congress, from relatives and friends of soldiers, asking our influence to have their "boys" discharged and sent home, as they are sick and cannot stand the climate.

California is especially interested in the question of the acquisition of the Philippine Islands, as it affects the cultivation of the sugar beet and the whole beet sugar industry, in which tens of millions of dollars have been already invested. Our farmers cannot compete in raising beet sugar against the cheap peon labor of these islands, where Chinese and Malays work for fifteen cents per day in silver. We labored for many years to pass the Chinese Restriction Act, and remove the blight of cheap servile contract labor from our land; yet if this treaty is adopted we open the doors, and at one fell swoop let in ten millions of Asiatics; for if the Philippine Islands become a territory of the United States its inhabitants will become citizens of the United States, as were the Mexicans of California. But even if it should be possible to withhold from all, or part of the inhabitants, citizenship, and unjustly tax them without representation, no one will deny that *their children* would, under our Constitution, be *citizens of the United States*, and be entitled to all of the rights and privileges thereunder. Are we ready to receive such a heterogeneous people into our political family?

Congress made declaration that, "not for gain; not for territory; but for freedom and humanity, the war was waged in Cuba." Our flag is there, and in due time it will come down in honor, as it did at Chapultepec, Palo Alto, and other towns in Mexico—and it will come down in honor and with the approval of the President and of the American people because they made such a declaration through their Congress. Our flag means civil and religious liberty, and I do not believe the American people will ever permit it to permanently wave over vassal States or a subjugated race.

It is said, however, that we have incurred responsibilities by the late war which must be met in a manly spirit. We are endeavoring to do so in Cuba. But we have made no

promises to the Filipinos, or to the misgoverned and oppressed Spaniards in Spain, or their other colonies; and certainly our task is bounded by our abilities. Many, also, may doubt if it is the best thing we can do for the Filipinos to proceed to rule them by force of arms, as we have the Indians of this country. It is well to stop and consider some other plan. But is it not our duty to first turn our attention to some of the many great questions that so deeply concern our own people and the welfare of our own country? The conflict between labor and capital, the control of trusts and corporations, the regulation of the charges of the transportation, telegraph, and telephone companies, the education and establishment of manual training schools for the colored people of the South, the government of Alaska, the Indian and monetary questions, the reclamation of arid lands, the storage of water and preservation of our forests, the building of the Nicaragua Canal, and the improvement of our rivers and harbors should find sufficient work for the statesman at home.

It is the custom on the anniversary of the birthday of Washington to transact no legislative business in Congress, but to select some Senator to read his farewell address. May we not, with benefit to the country, anticipate the day and now read the following words that seem to apply with accentuated force at this time:

"Observe good faith and justice toward all nations. Cultivate peace and harmony with all. * * * 'Tis our true policy to steer clear of permanent alliances with any portion of the foreign world. * * * Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest." Again: "The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible."

Awaiting your instructions as to the course you wish me to pursue in relation to this great question, knowing that you will be influenced only by patriotism and by that which you believe to be for the best interest of our State and Nation, I have the honor to remain,

Your obedient servant,

GEO. C. PERKINS.

The petition was ordered printed in full in the Journal, and its further consideration postponed until each Senator shall have had an opportunity to read the same.

SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Smith was granted unanimous consent to introduce the following concurrent resolution:

SENATE CONCURRENT RESOLUTION No. 2.

Resolved, That the Senate, the Assembly concurring, hereby agrees to meet in joint convention at two o'clock p. m., on Tuesday, the third day of January, 1899, for the purpose of opening and publishing the election returns for Governor and Lieutenant-Governor.

Resolution read.

Senator Smith moved its adoption.

The roll was ordered called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Correy, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—37.

NOES—None.

Resolution ordered transmitted to the Assembly forthwith.

ASSEMBLY MESSAGES.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 3, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following: Assembly Concurrent Resolution No. 1—Relating to the appointment of a joint committee on inaugural ceremonies.

Also: Assembly Concurrent Resolution No. 2—Relating to Legislature meeting in joint session for the purpose of opening and publishing the returns of the election for Governor and Lieutenant-Governor.

C. W. KYLE, Chief Clerk.

Senator Simpson moved that the Senate proceed to consider Assembly Concurrent Resolutions Nos. 1 and 2.
Motion carried.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTIONS.

The following was read :

ASSEMBLY CONCURRENT RESOLUTION NO. 1.

Resolved by the Assembly, the Senate concurring. That a committee of three be appointed by the Speaker of the Assembly to confer with a like committee from the Senate and the Inaugural Ball Committee of Sacramento City, upon the inaugural ball ceremonies.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—37.
NOES—None.

The President pro tem., in compliance with the provision of the above resolution, appointed the following: Senators Simpson, Taylor, and Chapman, to serve on the Committee on Inaugural Ceremonies.

The following was read:

ASSEMBLY CONCURRENT RESOLUTION NO. 2.

Resolved by the Assembly, the Senate concurring. That the Senate and Assembly meet in joint session in the Assembly Chamber at two o'clock in the afternoon of this day, January 3, 1899, for the purpose of being present when the Speaker of the Assembly shall open and publish the returns of the election for Governor and Lieutenant-Governor, as provided and required by Article V, Section 4, of the Constitution of the State of California.

The roll was called, and Assembly Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.
NOES—None.

RECESS.

At ten o'clock and forty-five minutes A. M., the Senate, on motion of Senator Simpson, was at recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate reassembled.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

LEAVE OF ABSENCE.

At one o'clock and thirty-five minutes P. M., Senator Simpson was granted a leave of absence for ten minutes.

ELECTION OF STENOGRAPHERS.

The following resolution was offered by Senator Cutter, who moved its adoption:

Resolved, That Sol. D. Rogers be elected as one of the statutory stenographers of the Senate for the present session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin, Cutter, Dickinson, Feeney, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Stratton, and Trout—28.

NOES—None.

The following resolution was offered by Senator Smith, who moved its adoption:

Resolved, That Hilda Clough be elected as one of the statutory skilled stenographers of the Senate for the present session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—31.

NOES—None.

The President pro tem. thereupon declared Sol. D. Rogers and Hilda Clough duly elected Stenographers of the Senate.

OATH OF OFFICE.

The above-named officers came forward and took and subscribed to the oath of office, as follows:

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully perform the duties of Stenographer of the Senate to the best of my ability. So help me God.

ASSEMBLY MESSAGES.

On motion of Senator Bulla, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 2, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following:

Senate Concurrent Resolution No. 1—Relative to the appointment of a joint committee of arrangements for the inaugural ceremonies.

And in accordance therewith the Assembly has appointed Assemblymen Knights, Boone, Crowder, and Cobb to act on said committee.

C. W. KYLE, Chief Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

RECESS.

At one o'clock and fifty-five minutes p. m., the President pro tem. declared the Senate at recess for the purpose of meeting with the Assembly in joint convention.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER,
Tuesday, January 3, 1899.}

At two o'clock p. m., the Senate and Assembly met in joint convention.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, directed the Secretary to call the roll of Senators.

SENATE ROLL CALL.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braumhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—37.

Quorum present.

Hon. Howard E. Wright, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

ASSEMBLY ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Crowder, Crowley, Dale, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barce, Le Barron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wardell, Works, and Mr. Speaker—74.

Quorum present.

REGULAR ORDER OF BUSINESS.

By direction of the President pro tem. of the Senate, the Secretary of the Senate read sections of the Constitution of the State of California, and sections of the Political Code of the State, which provide for the two branches of the Legislature meeting in joint convention for the purpose of canvassing the votes cast for Governor and Lieutenant-Governor, as follows:

Of Article V of the Constitution:

Section 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Section 15. A Lieutenant-Governor shall be elected at the same time and places,

and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

Of the Political Code:

Section 1292. When an election has been held to fill the office of Governor or Lieutenant-Governor, the Clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must, as soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, make two certified abstracts of so much thereof as relates to the vote given for such officers.

Section 1293. The Clerk must seal up each abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant-Governor."

Section 1294. He must at once direct one copy to the Speaker of the Assembly next to meet, address it to Sacramento, California, and deposit it, postpaid, in the post office.

Section 1295. The other copy he must direct and address, in the same manner, and at once deliver it to a member-elect of the Legislature, or to a Senator who holds over; and the person to whom it is so directed must deliver it to the Speaker on or before the second day next after his election.

Section 1296. The returns for election for Governor and Lieutenant-Governor must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly, in presence of both houses.

Section 1297. No declaration of the result, commission or certificate must be withheld on account of any defect or informality in the return of any election if it can with reasonable certainty be ascertained from such return what office is intended, and who is elected thereto.

APPOINTMENT OF TELLERS.

The Speaker of the Assembly appointed, on the part of the Assembly, as tellers, Messrs. Belshaw and Caminetti.

The President pro tem. of the Senate appointed as tellers, on the part of the Senate, Senators Gillette and Prisk.

ANNOUNCEMENT.

The Speaker of the Assembly announced that the election returns from all the counties in the State had been received and were now at the desk.

CANVASS OF RETURNS.

A canvass of the returns was thereupon made, and the tellers reported and announced the vote as follows:

FOR GOVERNOR.	
Henry T. Gage.....	148,334
James G. Maguire.....	129,255
Job Harriman.....	5,101
J. E. McComas.....	4,297
Scattering.....	9
Total.....	286,996

DECLARATION OF RESULT.

The Speaker of the Assembly thereupon declared the result as certified to by the Secretary of State, and announced by the tellers, to be: Total number of votes cast for Governor, 286,996; and that Henry T. Gage was duly elected Governor of the State of California, for the ensuing term, according to the Constitution and the laws of the State of California, he having received the highest number of votes cast for any candidate for said office.

CANVASS OF RETURNS.

FOR LIEUTENANT-GOVERNOR.

Jacob H. Neff	146,325
Edward L. Hutchison	118,915
James Andrew	8,784
Robert Summers	6,304
Scattering	7
Total	290,335

DECLARATION OF RESULT.

The Speaker of the Assembly thereupon declared the result to be: Total number of votes cast for Lieutenant-Governor, 280,335; and that Jacob H. Neff was duly elected Lieutenant-Governor of the State of California for the ensuing term, according to the Constitution and the laws of California, he having received the highest number of votes cast for any candidate for said office.

RESOLUTION.

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That the hour of one o'clock p. m. of Wednesday, January 4, 1899, be appointed the time when the Governor and Lieutenant-Governor elect shall take the official oath in the presence of both houses of the Legislature, in joint convention assembled, as required in and by Section 905 of the Political Code; that the Joint Committee on Inauguration already appointed be and are hereby directed to inform the Governor and Lieutenant-Governor elect of this action; and that when this joint convention adjourns, it adjourn to meet at the hour and date aforesaid.

Resolution read and adopted.

READING AND APPROVAL OF MINUTES.

The minutes of the joint convention were then read and approved.

ADJOURNMENT.

At three o'clock and ten minutes p. m., the President pro tem. of the Senate declared the joint convention adjourned until one o'clock p. m. of to-morrow, Wednesday, January 4, 1899.

IN SENATE.

REASSEMBLED.

At three o'clock and fifteen minutes p. m., the Senate reassembled. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunbart, Bulla, Burnett, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Flint, Hall, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

Quorum present.

ADJOURNMENT.

At three o'clock and twenty minutes p. m., on motion of Senator Simpson, the Senate adjourned until ten o'clock a. m. of Wednesday, January 4, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 4, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M., Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boggs, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 3, 1899, its further reading was dispensed with, on motion of Senator La Rue.

The Hon. Jacob H. Neff, Lieutenant-Governor-elect, now appeared before the bar of the Senate, and took the following oath of office, administered to him by Hon. A. J. Buckles, of Solano County, Superior Judge :

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Lieutenant-Governor, according to the best of my ability. So help me God.

REGULAR ORDER OF BUSINESS.

MOTIONS, RESOLUTIONS, AND NOTICES.

Senator Gillette offered the following resolution:

Resolved, That the President appoint a committee of three to report an amendment to the temporary rules providing for the standing committees of the Senate, and such other amendments as may be necessary.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President appointed as the special committee to report an amendment to the temporary rules as required by the adoption of the above resolution, Senators Gillette, Bulla, and La Rue.

MOTIONS, RESOLUTIONS, AND NOTICES—(RESUMED).

Senator Smith offered the following resolution.

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to have two copies of each bill, resolution, or other document, distributed by Pages upon the floor of the Senate, supplied to the representative of each newspaper entitled to a seat in the Senate.

Resolution read and adopted.

Senator Simpson offered the following resolution:

Resolved, That the Secretary of State be requested to have the dome of the State Capitol building lighted by electricity on the evening of January 9, 1899, and to have Senate Chamber and Capitol building placed in readiness for the occasion of the inaugural ball to be held on that evening; and that the sum of three hundred dollars (\$300) be and is hereby appropriated out of the Contingent Fund of the Senate to pay the expenses thereof.

Resolution read.

SUSPENSION OF RULES.

On motion of Senator Simpson, the rules were suspended for the purpose of disposing of the resolution just read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—34.

NOES—Senator Smith—1.

RECESS.

At ten o'clock and forty minutes A. M., on motion of Senator Laird, a recess was declared until twelve o'clock and fifty minutes P. M.

REASSEMBLED.

At twelve o'clock and fifty minutes P. M., the Senate reassembled. Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Davis, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Wolfe—28.

Quorum present.

RECESS.

At twelve o'clock and fifty-five minutes P. M., on motion of Senator Wolfe, the Senate took a recess for the purpose of meeting in joint convention with the Assembly, in pursuance of its adjournment on yesterday.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER,
Wednesday, January 4, 1899. }

Pursuant to adjournment on yesterday, the Senate and Assembly of the State of California met in joint convention on this day, Wednesday, January 4, 1899, at one o'clock P. M., for the purposes set forth in the following resolution, adopted in joint convention on yesterday:

Resolved, That the hour of one o'clock P. M. of Wednesday, January 4, 1899, be appointed the time when the Governor and the Lieutenant-Governor elect shall take the official oath in the presence of both houses of the Legislature, in joint convention assembled, as required in and by Section 905 of the Political Code; that the joint committee on inauguration already appointed be and are hereby directed to inform the Governor and Lieutenant-Governor elect of this action; and that when this joint convention adjourns, it will adjourn to meet at the hour and date aforesaid.

Hon. William T. Jeter, Lieutenant-Governor and President of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

ROLL CALLS.

The President of the Senate directed the Secretary of the Senate to call the roll of the Senators.

The roll was called, and the following answered to their names :

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—40.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names :

Messrs. Anderson, Arnerich, Atherton, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Conrey, Cosper, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, Works, and Mr. Speaker—74.

Quorum present.

ORDER OF BUSINESS.

The following was the order of business followed:

1. Call to order by President of the Senate.
2. Roll call of Senate.
3. Roll call of Assembly.
4. Chairman of Joint Committee on Inauguration announces the presence of Governor and Governor-elect.
5. Governor and Governor-elect to proceed to Speaker's desk.
6. Prayer by Chaplain.
7. Administration of oath of office.
8. Music—"Hail to the Chief."
9. Salute.
10. Introduction by Speaker of Assembly of retiring Governor.
11. Address by Governor Gage.
12. Reading of minutes of Joint Convention by Secretary of Senate.
13. Approval of minutes.
14. Adjournment of Joint Convention.

REPORT OF JOINT COMMITTEE.

Senator Cutter, chairman of the Joint Committee of the Senate and Assembly on Inaugural Ceremonies, appeared at the bar of the House, and announced to the Speaker of the Assembly the presence of His Excellency Governor James H. Budd and Hon. Henry T. Gage, Governor-elect.

PRAYER.

Prayer by the Chaplain of the Senate, Rev. A. J. Sturtevant.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. Frederick W. Henshaw, Justice of the Supreme Court of the State of California, administered the oath of office to Governor-elect Henry T. Gage, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor according to the best of my ability. So help me God.

PRESENTATION BY RETIRING GOVERNOR.

Retiring Governor James H. Budd introduced to the joint convention His Excellency Henry T. Gage, now Governor of the State of California, who thereupon addressed the convention.

ANNOUNCEMENT.

It was announced that on account of illness, the Hon. Jacob H. Neff, Lieutenant-Governor-elect, was prevented from appearing before the joint convention for the purpose of taking the oath of office, the same having been previously administered to and taken by him at the bar of the Senate by the Hon. A. J. Buckles, of Solano County, Superior Judge, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of Lieutenant-Governor according to the best of my ability. So help me God.

READING AND APPROVAL OF MINUTES.

Minutes of the joint convention were read and approved.

ADJOURNMENT.

At one o'clock and fifty minutes P. M., the joint convention was, on motion of Mr. Valentine, adjourned without day.

IN SENATE.

At two o'clock P. M., the Senate reassembled, Lieutenant-Governor William T. Jeter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jores, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

LEAVE OF ABSENCE.

On motion of Senator Braunhart, a leave of absence for three days was granted Senator Ashe.

ADDRESS AND INTRODUCTION BY THE RETIRING PRESIDENT.

The retiring Lieutenant-Governor, Hon. William T. Jeter, addressed the Senate, thanking the past and present members of the Senate for the uniform courtesy shown him throughout his Presidency of the Senate, and bespoke for his successor in office, the Hon. Jacob H. Neff, the same pleasing incumbency that was afforded him, and thereupon introduced to the Senate its future presiding officer.

At two o'clock and five minutes P. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The President addressed the Senate, asked for the friendly considera-

tion of its members, and assured them of an impartial and faithful performance of the duties of his office.

At two o'clock and eight minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

REPORTS OF COMMITTEES.

ON RULES.

MR. PRESIDENT: Your committee appointed to revise Rule XXXVI begs leave to report as follows:

Rule XXXVI—The following standing committees shall be appointed by the Lieutenant-Governor:

1. Farming and Manufacturing Interests; seven members.
2. Attachés, Contingent Expenses, and Mileage; three members.
3. Banks and Banking; five members.
4. Municipal Corporations; nine members.
5. Commerce, Harbors, Rivers, and Coast Defenses; seven members.
6. Corporations; eleven members.
7. County Government and Township Organization; seven members.
8. Education and Public Morals; five members.
9. Elections; seven members.
10. Enrolled and Engrossed Bills; three members.
11. Federal Relations and Immigration; three members.
12. Finance and Claims; eleven members.
13. Forestry, Fish, and Game; five members.
14. Hospital, Health, and Quarantine; five members.
15. Irrigation and Water Rights; nine members.
16. Judiciary; sixteen members.
17. Labor and Capital; five members.
18. Mines, Drainage, and Débris; five members.
19. Military Affairs; five members.
20. Public Buildings other than Prison Buildings; eleven members.
21. Public Printing and State Library; five members.
22. Public and Swamp and Overflowed Lands; five members.
23. Roads and Highways; seven members.
24. Rules and Revision; three members.
25. State Prisons and Prison Buildings; seven members.
26. Executive Communications and Nominations; three members.

Respectfully submitted.

GILLETTE.
BULLA.
LA RUE.

Report of committee adopted by unanimous vote.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 4, 1899.

MR. PRESIDENT: Your temporary Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the matter of mileage due the officers and members, have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named members and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay the same:

Statutory Officers.		Miles.	Am't.
W. T. Jeter, President.....		410	\$41 00
F. J. Brandon, Secretary.....		256	25 60
J. L. Childs, Minute Clerk.....		728	72 80
L. F. Blackburn, Sergeant-at-Arms.....		182	18 20
Senators.		Miles.	Am't.
24—Ashe, R. P.	San Francisco	168	\$16 80
22—Bettman, S. M.	San Francisco	168	16 80
8—Boggs, J.	Princeton	150	15 00
36—Boyce, J. J.	Santa Barbara	738	73 80
17—Braunhart, S.	San Francisco	168	16 80
37—Bulla, R. N.	Los Angeles	956	95 60
20—Burnett, F. W.	San Francisco	168	16 80
6—Chapman, E. W.	Greenwood	150	15 00
38—Currier, A. T.	Spadra	1,026	102 60

Dist.	Senators.	Addresses.	Miles.	Am't.
12	Curtin, J. B.	Sonora	200	20 00
16	Cutter, W. M.	Marysville	104	10 40
14	Davis, J. F.	Jackson	154	15 40
11	Dickinson, J. H.	Sausalito	192	19 20
13	Doty, G.	Elk Grove	30	3 00
19	Dwyer, L. J.	San Francisco	168	16 80
25	Feeney, J.	San Francisco	168	16 80
33	Flint, Thomas, Jr.	San Juan	360	36 00
1	Gillette, J. N.	Eureka	624	62 40
23	Hall, S.	San Francisco	168	16 80
18	Hoey, J. A.	San Francisco	168	16 80
39	Jones, T. J.	Anaheim	992	99 20
2	Laird, J. T.	Alturas	758	75 80
15	Langford, B. F.	Acampo	116	11 60
7	La Rue, C. L.	Yountville	142	14 20
26	Leavitt, F. W.	Oakland	182	18 20
9	Luchsinger, J. J.	Vallejo	122	12 20
4	Maggard, W. F.	Corning	270	27 00
31	Morehouse, H. V.	San Jose	256	25 60
40	Nutt, A. E.	San Diego	1,234	123 40
32	Pace, H. L.	Tulare	448	44 80
3	Prisk, W. F.	Grass Valley	134	13 40
16	Rowell, Chester	Fresno	338	33 80
30	Shortridge, C. M.	San Jose	256	25 60
36	Simpson, C. M.	Pasadena	976	97 60
10	Sims, J. C.	Santa Rosa	364	36 40
34	Smith, S. C.	Bakersfield	556	55 60
27	Stratton, F. S.	Oakland	182	18 20
28	Taylor, A. K.	Alameda	168	16 80
29	Trout, D. H.	Boulder Creek	440	44 00
21	Wolfe, E. I.	San Francisco	168	16 80

BETTMAN, Chairman.

SUSPENSION OF RULES.

By unanimous vote, on motion of Senator Cutter, the rules were suspended for the purpose of considering the above resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

NOES—None.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Bulla, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, SACRAMENTO, CAL., January 4, 1899.

To the Senate of the State of California:

I have the honor to inform you that I have appointed William I. Foley, of Los Angeles, State of California, my Private Secretary, through whom all communications from this office will be transmitted to your honorable body.

HENRY T. GAGE, Governor of the State of California.

ADJOURNMENT.

At two o'clock and fifty minutes P. M., on motion of Senator Wolfe, the Senate adjourned until ten o'clock A. M. of Thursday, January 5, 1899.

IN SENATE.

SENATE CHAMBER,
Thursday, January 5, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boggs, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feehey, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 4, 1899, its further reading was dispensed with, on motion of Senator Smith.

APPROVAL OF JOURNALS.

The Journals of Monday, January 2, 1899, and Tuesday, January 3, 1899, were approved.

CORRECTION OF JOURNAL.

On motion of Senator Bettman, the Journal of Wednesday, January 4, 1899, was corrected so as to show that Senator Maggard is entitled to \$27, instead of \$17 80, for his legal mileage.

REGULAR ORDER OF BUSINESS.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was read:

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Bill No. 1—An Act making an appropriation for the support of the State Printing Office.

Also: Assembly Joint Resolution No. 1—Relative to instruction to our Senators, and requesting our Representatives in Congress in relation to the treaty of peace between the United States and Spain.

Also: Assembly Concurrent Resolution No. 3—Relative to inaugural ball and banquet.

C. W. KYLE, Chief Clerk of the Assembly.

SUSPENSION OF RULES.

By unanimous vote, the rules were suspended for the purpose of considering the resolutions and bill this day transmitted from the Assembly.

READING OF ASSEMBLY RESOLUTIONS.

The following was read:

ASSEMBLY JOINT RESOLUTION No. 1.

WHEREAS, In the achievements of our fleets at Manila and in the Caribbean Sea, as well as in the victory of our land forces at Santiago and Porto Rico, we recognize the advancement of the human race, and in that the advancement of the American people; and

WHEREAS, It is the purpose of the people of the State of California to sustain the President of the United States in his policy of retaining in permanent achievement the full measure of such victories, leading as they will to a greater Union, a greater strength, a more extended commerce, and to American control in the Pacific, which must be the future pathway to the commercial greatness of the West; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That our Representatives in Congress are requested to give their unreserved support to the Administration of President McKinley, in the full confidence that his policy, the fruits of which are preserved in the treaty of peace, will lead to a greater country, a greater people, and a greater destiny; it is further

Resolved, That our Senators in Congress are hereby instructed to vote for, and in every manner support, the ratification by the Senate of the treaty of peace between the United States and Spain, recently concluded at Paris by the joint commission representing said Powers; and be it further

Resolved, That a copy of these resolutions be immediately transmitted to each of our Representatives and Senators at Washington, by mail, by the Chief Clerk of the Assembly.

Senator Davis moved that the President appoint a special committee of three for the purpose of having referred to it, for consideration and report, Assembly Joint Resolution No. 1 and any other resolution of the same purport that may be offered before such committee shall have made its report.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE.

In compliance with the above, the President pro tem. appointed as a special committee to consider Assembly Joint Resolution No. 1, Senators Davis, Rowell, and Sims, to whom it was referred.

The following was read :

ASSEMBLY CONCURRENT RESOLUTION No. 3.

Resolved by the Assembly, the Senate concurring, That the Secretary of State be requested to place at the disposal of the committees having in charge the inaugural ball and banquet the various halls, corridors, and unoccupied chambers in and about the State Capitol, from and after the adjournment of the Legislature on Saturday, January 7, 1899, to the hour of ten o'clock A. M., Tuesday, January 10, 1899.

AMENDMENT.

Senator Cutter offered the following amendment, and moved its adoption:

Amend by adding: "This permit is granted only upon condition that no wine, beer, or alcoholic beverage of any description, shall be allowed at the banquet incident to said ball, or in any part of the Capitol premises leave to use which for said ball is given."

Amendment read and adopted.

The question being on the adoption of Assembly Concurrent Resolution No. 3, as amended.

The roll was called, and the same adopted by the following vote:

Ayes—Senators Bettman, Boggs, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.
NOES—None.

Resolution as amended ordered transmitted to the Assembly.

CASE OF URGENCY.

RESOLUTION.

Senator Cutter offered the following resolution, and moved its adoption:

Resolved, That Assembly Bill No. 1 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section, requiring that the bill shall be read on three several days in each House, are hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boggs, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

NOES—None.

FIRST, SECOND, AND THIRD READING OF BILL.

Assembly Bill No. 1—An Act making an appropriation for the support of the State Printing Office.

Bill read first, second, and third times, and finally passed by the following vote:

AYES—Senators Bettman, Boggs, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

NOES—None.

Title read and approved.

Bill ordered immediately transmitted to the Assembly.

REGULAR ORDER OF BUSINESS—(RESUMED).

INTRODUCTION AND FIRST READING OF BILLS, ETC.

Senator Rowell offered the following:

SENATE JOINT RESOLUTION No. 1.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress are hereby directed and our Congressmen requested to vote for the ratification of the treaty of peace recently entered into by Commissioners of United States and Spain. As a reason for this request we voice the general sentiment of the people of this State in favor of speedy and permanent peace with Spain.

Further, The belief that if the acquisitions of territory that have come to our nation by treaties of annexation, by conquest, or as trophies of war, should be retained, trusting that Congress, guided by the patriotic sentiment and good judgment of the American people, will have the wisdom to enact such legislation as will eventually make these possessions add to the commercial and military strength of this country and improve every condition of the inhabitants of the territory acquired.

Senate Joint Resolution No. 1 referred to special committee this day appointed to consider Assembly Joint Resolution No. 1.

Senator Cutter offered the following:

SENATE JOINT RESOLUTION No. 2.

Relative to the improvement of the Sacramento River in accordance with the plans submitted by the Sacramento River Commission.

WHEREAS, The Sacramento River Commission, composed of Federal engineers appointed by the President of the United States, have, in accordance with the duty

devolved upon them, reported to the Congress of the United States a plan for the improvement of the Sacramento River, which plan is now under consideration by the Committee on Rivers and Harbors of the House of Representatives; and

WHEREAS, The State of California has appropriated the sum of three hundred thousand dollars, to be expended in the improvement and rectification of the navigable waterways of this State, and has thus shown its willingness to assist in the work so imperatively demanded by the needs of commerce, and which cannot with safety be longer delayed, and which of right ought to be undertaken and carried forward to completion by the general government; and

WHEREAS, The conditions of said river are such that immediate action is necessary to preserve it as a navigable stream for the purpose of commerce;

Resolved by the Senate and Assembly of the State of California, jointly. That our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means at their disposal to secure the execution of the plans reported by the said Sacramento River Commission, and to secure the appropriation recommended by said commission for the purpose of carrying said plans into effect; and that we do further respectfully request the said Committee on Rivers and Harbors of the House of Representatives to make the appropriation recommended by said Sacramento River Commission, conformably to their report on file with the Chief Engineer of the United States Corps of Engineers at Washington.

Resolved, That the Secretary of the Senate be and he is hereby to cause a certified copy of this resolution to be mailed to each of our Senators and Representatives in Congress, and send a copy thereof by telegram immediately after the passage of this resolution to Hon. T. E. Burton, Chairman of the Committee on Rivers and Harbors of the House of Representatives at Washington, D. C.

On motion of Senator Cutter, the rules were suspended for the purpose of reading and disposing of the resolution.

Senate Joint Resolution No. 2 read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boggs, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

NOES—None.

On motion of Senator Doty, Senate Joint Resolution No. 2 ordered immediately transmitted to the Assembly.

RESOLUTION.

Senator Smith offered the following resolution, which was read :

Resolved, That each member of the Senate be and he is hereby allowed twenty-five dollars for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate, and that the aggregate amount of the value of stamps and stationery which any member shall draw on requisition from the Secretary of State shall be charged to his account as a part of his allowance hereby made. The Controller is hereby directed to draw his warrants for such balances as may stand to the credit of the members at the close of to-day's session, and the Treasurer is directed to pay the same.

Resolution adopted.

SUSPENSION OF RULES.

On motion of Senator Smith, and by unanimous vote, the rules were suspended for the purpose of finally disposing of the above resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boggs, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

NOES—None.

RESOLUTIONS.

Senator Leavitt offered the following resolution, and moved its adoption:

Resolved, That when the Senate adjourns it adjourn out of respect to the memory of the late Senators E. S. Denison and J. H. Mahoney.

Resolution adopted by unanimous vote.

Senator Cutter offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be empowered and he is hereby authorized to purchase such furniture and supplies as may be needed in the Senate and committee rooms, the bills for the same to be approved by the Committee on Finance, and by the Senate, before any liability shall attach to the State.

On motion of Senator Dickinson, the above resolution was withheld for reference to the proper committee when appointed.

Senator Cutter offered the following resolution, which was read, and moved its adoption :

Resolved, That A. S. Longley be elected one of the Stenographers of the Senate for the thirty-third session.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boggs, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dwyer, Feeney, Flint, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, Simpson, Sims, and Trout—24.

NOES—Senators Dickinson, Laird, Leavitt, Morehouse, Shortridge, Stratton, Taylor, and Wolfe—8.

OATH OF OFFICE.

Mr. Longley came forward, signed the roll, took and subscribed to the following oath of office:

I do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Senate Stenographer in the thirty-third session of the Assembly of the California Legislature, according to the best of my ability. So help me God.

RESOLUTIONS.

Senator Morehouse offered the following resolution, and moved its adoption:

Resolved, That the Secretary of State be and he is hereby authorized to purchase and pay for out of the fund for contingent expenses of the Senate forty-five (45) copies of Henning's Pocket Edition of the Constitution, and forty-five (45) copies of the James H. Deerings Codes of California published in 1897, and Bancroft's Edition of the General Laws, and deliver the same to the Secretary of the Senate, for the use of Senators and the Secretary of the Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boggs, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

NOES—None.

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That the Secretary of Senate be and he is hereby authorized and directed to purchase for the use of the Senate the necessary number of bill and journal files for the use of the Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue,

Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.
Noes—None.

RECESS.

At eleven o'clock and thirty-seven minutes A. M., on motion of Senator Bulla, the Senate was declared at recess until two o'clock P. M. this day.

REASSEMBLED.

At two o'clock P. M., the Senate reassembled, Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Cutter, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following:

Assembly Concurrent Resolution No. 4—Relative to the improvement of the Sacramento River.

C. W. KYLE, Chief Clerk of the Assembly.

By unanimous vote, the rules were suspended for the purpose of considering Assembly Concurrent Resolution No. 4—Relative to the improvement of the Sacramento River in accordance with the plans submitted by the Sacramento River Commission:

WHEREAS, The Sacramento River Commission, composed of Federal engineers appointed by the President of the United States, have, in accordance with the duty devolved upon them, reported to the Congress of the United States a plan for the improvement of the Sacramento River, which plan is now under consideration by the Committee of Rivers and Harbors of the House of Representatives; and

WHEREAS, The State of California has appropriated the sum of \$300,000 to be expended in the improvement and rectification of the navigable waterways of this State, and has thus shown its willingness to assist in the work so imperatively demanded by the needs of commerce, and which cannot with safety be longer delayed, and which of right ought to be undertaken and carried forward to completion by the general government; and

WHEREAS, The conditions of said river are such that immediate action is necessary to preserve it as a navigable stream for the purpose of commerce;

Resolved by the Senate and Assembly of the State of California, jointly, That our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means at their disposal to secure the execution of the plans reported by the said Sacramento River Commission, and to secure the appropriation recommended by said commission for the purpose of carrying said plans into effect; and that we do further respectfully request the said Committee on Rivers and Harbors of the House of Representatives to make the appropriation recommended by said Sacramento River Commission, conformably to their report on file with the Chief Engineer of the United States Corps of Engineers at Washington.

Resolved, That the Governor be and he is hereby requested to cause a certified copy of this resolution to be mailed to each of our Senators and Representatives in Congress, and send a copy thereof by telegram immediately after the passage of this resolution to Hon. T. E. Burton, Chairman of the Committee on Rivers and Harbors of the House of Representatives at Washington, D. C.

Resolution read.

AMENDMENTS.

Senator Cutter moved to amend the resolution as follows:

Amend the name of the resolution so as to read "Assembly Joint Resolution No. 4."

Also: Amend line 5, page 2, by inserting "Secretary of the Senate" in lieu of "Governor," and insert "directed" in lieu of "requested."

Amendments read and adopted.

The roll was called, and Assembly Concurrent Resolution No. 4, as amended, was adopted by the following vote:

AYES—Senators Bettman, Boggs, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—Noes.

Assembly Joint Resolution No. 4 ordered immediately transmitted to the Assembly.

ADJOURNMENT.

At two o'clock and twenty-six minutes P. M., on motion of Senator Smith, the Senate adjourned until 10 o'clock A. M. of Friday, January 6, 1898.

IN SENATE.

SENATE CHAMBER,
Friday, January 6, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 5, 1899, its further reading was dispensed with, on motion of Senator Wolfe.

APPROVAL OF JOURNAL.

The Journal of Wednesday, January 4, 1899, having been previously read, was approved.

REGULAR ORDER OF BUSINESS.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read :

SENATE CHAMBER, SACRAMENTO, Friday, January 6, 1899.

MR. PRESIDENT: Your Special Committee, to whom was referred Assembly Joint Resolution No. 1 and Senate Joint Resolution No. 1, each relating to the acquisition of additional territory, have had the same under consideration, and respectfully report back the accompanying substitute therefor, to be known as Senate Joint Resolution No. 2, and recommend its adoption.

DAVIS,
ROWELL,
SIMS,
Committee.

Senator Davis moved that the Senate proceed to consider the committee substitute just reported, and that it be acted upon without debate.

So ordered.

SENATE JOINT RESOLUTION NO. 2.

(Substitute for Assembly Joint Resolution No. 1 and Senate Joint Resolution No. 1.)

Relative to ratification of the treaty of peace between Spain and the United States.

Resolved by the Senate and Assembly, jointly, That our Senators in Congress are hereby instructed to vote for and in every manner support the ratification by the Senate of the treaty of peace between the United States and Spain, recently concluded at Paris by the joint commission representing said Powers, and to vote against any amendment to the same;

Resolved, That a copy of these resolutions be immediately transmitted to each of our Senators at Washington, by telegraph, by the Secretary of the Senate.

Resolution read.

Senator Stratton moved to amend resolution, as follows:

Strike out the words "And to vote against any amendment thereto," and insert in lieu thereof the following: "*Provided*, that an effort shall have been first made by our Senators to amend said treaty by declaring against the permanent cession to, or annexation by, the United States of the entire group of the Philippine Islands."

The roll was called, and the amendment lost by the following vote:

AYES—Senators Jones and Stratton—2.

NOES—Senators Ashe, Bettman, Boggs, Braunhart, Bulla, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, and Wolfe—32.

The question recurring on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

NOES—None.

Resolution ordered transmitted to the Assembly forthwith.

RESOLUTIONS.

Senator Morehouse offered the following resolution:

Resolved, That the Controller of State be and he hereby is instructed to draw his warrant on the State Treasurer in favor of the Secretary of State for the sum of one hundred and thirty-five dollars (\$135), payable out of the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the said warrant; said warrant being in payment for Henning's Constitution of California, as per resolution of January 5, 1899.

Resolution read and withheld for reference pending the appointment of the Committee on Attachés, Contingent Expenses, and Mileage.

Senator Wolfe offered the following resolution:

Resolved, That the Secretary of Senate be and he is hereby instructed to rent six typewriting machines for the use of the stenographers of the Senate, and the Controller of State is authorized to draw his warrants for the amount of the rental, and the Treasurer directed to pay the same.

Resolution read.

On motion of Senator Wolfe, the rules were suspended, and the resolution adopted by the following vote :

AYES—Senators Ashe, Bettman, Boggs, Braunhart, Bulla, Burnett, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—30.

NOES—Senators Davis, Jones, and Smith—3.

LEAVES OF ABSENCE.

The following leaves of absence were granted:

Senator Boyce for two days, on motion of Senator Bulla.

Senator Chapman for two days, on motion of Senator Luchsinger.

Senator Currier for two days, on motion of Senator Bulla.

Senator Davis for Saturday, on his own motion.

Senator Hoey for two days, on his own motion.

Senator Dwyer for two days, on his own motion.

Senator Wolfe for two days, on his own motion.

Senator Leavitt for two days, on his own motion.

Senator Bettman for two days, on his own motion.

Senator Ashe for two days, on his own motion.

Senator Hall for two days, on his own motion.

Senator Cutter for two days, on his own motion.

Senator Rowell for two days, on his own motion.

Senator Shortridge for two days, on his own motion.

Senator Stratton for two days, on his own motion.

RESOLUTIONS—(RESUMED).

Senator Laird offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be directed to place in his office a telephone for the use of the members of the Senate.

Resolution read and adopted.

Senator Smith offered the following resolution:

WHEREAS, The State Printing Office will not be ready to begin the printing of bills for some days yet; therefore, be it

Resolved, That the first introduction of bills be made a special order for Tuesday, January 10, at 2 P. M.

Resolution read and adopted.

At ten o'clock and forty-two minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

APPOINTMENT OF STANDING COMMITTEES.

The President announced that he had appointed the Senate standing committees, as follows:

SENATE STANDING COMMITTEES.

Attachés, Contingent Expenses, and Mileage (three members)—Senators Flint (Chairman), Bulla, Prisk.

Banks and Banking (five members)—Senators Wolfe (Chairman), Currier, Morehouse, Dwyer, Boggs.

Commerce, Harbors, Rivers, and Coast Defenses (seven members)—Senators Shortridge (Chairman), Gillette, Nutt, Bulla, Bettman, Dwyer, Braunhart.
Corporations (eleven members)—Senators Simpson (Chairman), Rowell, Boyce, Flint, Shortridge, Dickinson, Leavitt, Cutter, Dwyer, Doty, Braunhart.
County Government and Township Organization (seven members)—Senators Morehouse (Chairman), Stratton, Burnett, Currier, Sims, Pace, Ashe.
Education and Public Morals (five members)—Senators Boyce (Chairman), Bettman, Leavitt, Feeney, Rowell.
Elections (seven members)—Senators Stratton (Chairman), Currier, Davis, Shortridge, Jones, Sims, Curtin.
Enrolled and Engrossed Bills (three members)—Senators Jones (Chairman), Shortridge, Feeney.
Executive Communications and Nominations (three members)—Senators Burnett (Chairman), Morehouse, Boyce.
Farming, Dairying, and Manufacturing Interests (seven members)—Senators Nutt (Chairman), Currier, Maggard, Rowell, Dickinson, La Rue, Doty.
Federal Relations and Immigration (three members)—Senators Leavitt (Chairman), Simpson, Pace.
Finance and Claims (eleven members)—Senators Dickinson (Chairman), Bulla, Wolfe, Luchsinger, Rowell, Flint, Smith, Boggs, Prisk, Langford, La Rue.
Forestry, Fish, and Game (five members)—Senators Luchsinger (Chairman), Rowell, Maggard, Boggs, Curtin.
Hospital, Health, and Quarantine (five members)—Senators Rowell (Chairman), Maggard, Nutt, Pace, Braunhart.
Irrigation and Water Rights (nine members)—Senators Currier (Chairman), Rowell, Laird, Cutter, Maggard, Pace, Curtin, Doty, Chapman.
Judiciary (sixteen members)—Gillette (Chairman), Davis, Stratton, Morehouse, Dickinson, Bulla, Wolfe, Nutt, Cutter, Boyce, Taylor, Sims, Ashe, Curtin, Simpson, Smith.
Labor and Capital (five members)—Senators Hoey (Chairman), Currier, Nutt, Boggs, Sims.
Military Affairs (five members)—Senators Laird (Chairman), Burnett, Nutt, Pace, La Rue.
Mines, Drainage, and Débris (five members)—Senators Davis (Chairman), Laird, Cutter, Chapman, Prisk.
Municipal Corporations (nine members)—Senators Taylor (Chairman), Morehouse, Cutter, Bulla, Wolfe, Maggard, Curtin, Sims, Doty.
Public Buildings other than Prison Buildings (eleven members)—Senators Smith (Chairman), Nutt, Jones, Troutt, Laird, Taylor, Gillette, Hall, Dwyer, La Rue, Prisk.
Public Printing and State Library (five members)—Senators Troutt (Chairman), Cutter, Flint, Prisk, Doty.
Public and Swamp and Overflowed Lands (five members)—Senators Maggard (Chairman), Cutter, Luchsinger, Doty, Langford.
Roads and Highways (seven members)—Senators Cutter (Chairman), Davis, Currier, Maggard, Ashe, La Rue, Laird.
Rules and Revision (three members)—Senators Bettman (Chairman), Stratton, Dwyer.
State Prisons and Prison Buildings (seven members)—Senators Bulla (Chairman), Dickinson, Hoey, Boyce, Bettman, Pace, Boggs.

ADJOURNMENT.

At ten o'clock and fifty-seven minutes A. M., on motion of Senator Prisk, the Senate was declared adjourned until nine o'clock A. M. of Saturday, January 7, 1899.

IN SENATE.

SENATE CHAMBER,
Saturday, January 7, 1899. }

At nine o'clock and twenty-five minutes A. M., the Senate was called to order.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bulla, Burnett, Curtin, Doty, Flint, Gillette, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Simpson, Sims, Smith, Taylor, and Trout—17.

The President pro tem. announced that the roll call disclosed the fact that a majority of Senators was not present, and declared the Senate, under the "no quorum" rule provided by Section 8 of Article IV of the Constitution of the State, and Cushing's Manual (referred to in the temporary rules of the Senate), and therefore would rule that the Senate at the present time, there being no quorum present, could do nothing more than to adjourn to the next legislative day, and asked the pleasure of the Senate.

ADJOURNMENT.

At nine o'clock and thirty minutes A. M., on motion of Senator Simpson, an adjournment was taken until ten o'clock A. M. of Monday, January 9, 1899.

IN SENATE.

SENATE CHAMBER,
Monday, January 9, 1899. }

At ten o'clock A. M., the Senate was called to order.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names :

Senators Boggs, Boyce, Brauhart, Bulla, Chapman, Curtin, Doty, Feeney, Flint, Gillette, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Shortridge, Simpson, Sims, Smith, Taylor, and Trout—22.

Quorum present.

RESOLUTION.

The following resolution was offered by Senator Simpson, who moved its adoption :

Resolved, That the decorating committee on the part of the Senate for the inaugural ball be and is hereby instructed to leave the curtain decorations of the windows of the Senate Chamber in place during the remainder of the session, or until further orders of Senate.

Resolution read and adopted.

ADJOURNMENT.

At ten o'clock and twelve minutes A. M., on motion of Senator Boyce, the Senate adjourned until ten o'clock A. M. of Tuesday, January 10, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 10, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF JOURNALS.

The Journals of Friday, January 6, 1899, Saturday, January 7, 1899, and Monday, January 9, 1899, were read.

REGULAR ORDER OF BUSINESS.

INTRODUCTION OF BILLS, CONCURRENT AND JOINT RESOLUTIONS.

The following joint resolutions were introduced:
By Senator Gillette:

SENATE JOINT RESOLUTION No. 3.

WHEREAS, The United States Government has expended a large sum of money in improving the bar at the entrance of Humboldt Bay; and

WHEREAS, The result has been to greatly increase the depth of water on said bar, sufficient to admit the largest vessels, and has tended to shoal the water in Eureka channel, and particularly at a point where all of the shipping interests in said bay center; now, therefore, be it

Resolved by the Senate and the Assembly, jointly, That our Senators and Representatives in Washington be and they are hereby instructed and requested to use all their efforts to interest the War Department in taking immediate action towards dredging such channel and in securing an appropriation sufficient to properly dredge the same; and be it further

Resolved, That a copy of this Resolution be forwarded at once by the Secretary to each of our Senators and Representatives.

Joint resolution read, and referred to Committee on Federal Relations and Immigration.

By Senator Brauhart:

SENATE JOINT RESOLUTION No. 4.

Relative to the election of United States Senators by direct vote of the people.

WHEREAS, Section 3 of Article I of the Constitution of the United States provides that "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years"; and

WHEREAS, The present system for the election of United States Senators is subject to severe public criticism and divided public opinion, arising from various causes; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in Congress be instructed and our Representatives be requested to vote for the submission of an amendment to the Constitution of the United States providing for the election of Senators by the direct vote of the electors of the respective States;

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to our Senators and Representatives in Congress.

Joint resolution read, and referred to Committee on Federal Relations and Immigration.

COMMUNICATION.

The following dispatch from the chairman of the Congressional Committee on Rivers and Harbors was received and read:

WASHINGTON, D. C., January 5, 1899.

F. J. Brandon, Secretary of Senate, Sacramento:

Resolutions received. Will be carefully considered by the committee.

T. E. BURTON.

RESIGNATION.

The following resignation was read:

To the Honorable the Senate of the State of California:

SIRS: I hereby tender my resignation as one of the statutory stenographers of the Senate.

SOL. D. ROGERS.

On motion of Senator Stratton, the above resignation was accepted.

RESOLUTIONS.

The following resolutions were offered and read:

By Senator Cutter:

Resolved, That J. P. Dickson, K. Hoey, Fred Hutton, J. S. Brown, G. E. Matthews, H. S. Henion, J. L. Ballentine, Sol. D. Rogers, and Morris Levy, be elected statutory committee clerks of the Senate, and that G. Burton Chaney be elected as one of the statutory stenographers of the Senate for the thirty-third session, vice Sol. D. Rogers, resigned.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Luch-singer, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

By Senator Simpson:

Resolved, That the Secretary of State be and he is hereby instructed to purchase for the use of the Senate, and deliver to the Secretary thereof, forty-five copies of County Government Act in California annotated by W. F. Henning, said copies to be paid for out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Cutter:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to make any necessary changes in the locks of the desks of the members.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Langford:

Resolved, That, when the hour set for the introduction of bills arrives, the Secretary of the Senate call the names of the Senators in alphabetical order, and, as each name is called, each Senator be permitted to introduce one bill until such time as the roll call is finished, when the roll call shall be repeated and one bill introduced by each Senator on each roll call until the close of the order of business.

POINT OF ORDER.

After the reading of the above resolution, Senator Bulla made the following point of order :

That Rule LII of the temporary rules of the Senate already provides for the manner in which Senate bills shall be introduced, and a change in the manner of introduction can be had only by an amendment of Rule LII, and therefore the further consideration of the resolution would be out of order.

The President declared the point of order well taken and the further consideration of the resolution out of order.

By Senator Cutter:

Resolved, That Paul Gregg be and he is hereby elected statutory committee clerk of the Senate for the thirty-third session, and James V. Trice be and he is hereby elected statutory Bill Clerk for said session.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—33.

NOES—None.

APPOINTMENTS.

The President of the Senate announced the following appointments:

SENATE CHAMBER, SACRAMENTO, January 10, 1899.

I hereby appoint the following Pages to serve during the session of the Legislature of 1899: B. W. Upson, Junius B. Harris, Munroe Gilman, E. H. Smith, Donn J. Shields.

(Signed:) JACOB H. NEFF, Lieutenant-Governor.

OATH OF OFFICE.

The several employes this day elected and appointed came forward and each signed the roll, took and subscribed to the following oath of office:

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected in the Thirty-third session of the Senate of the California Legislature, according to the best of my ability. So help me God.

RECESS.

At ten o'clock and forty-seven minutes A. M., on motion of Senator Smith, a recess was declared until eleven o'clock and forty-five minutes A. M., this day.

At eleven o'clock and fifty-nine minutes A. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

RESOLUTION.

At twelve o'clock M., Senator Dickinson offered the following resolution:

WHEREAS, The term of the Hon. Stephen M. White, United States Senator in Congress from the State of California, elected on January 18, 1893, will expire on the 4th day of March, 1899; and

WHEREAS, His successor, whose term shall commence on the said 4th day of March, 1899, must now be chosen; therefore, be it

Resolved, That the Senate do now proceed to name, by viva voce vote, a person for Senator in Congress from the State of California, for the term of six years, commencing

March 4, 1899, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 5, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States, in force on the first day of December, 1873," approved January 22, 1874.

Resolution read and adopted.

The Secretary of the Senate, by direction of the President pro tem., then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceeding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House shall be entered on the Journal of that house by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock m. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock m. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

NOMINATIONS FOR UNITED STATES SENATOR.

The President pro tem. declared that nominations were now in order for the office of United States Senator for the term of six years, commencing on March 4, 1899, to succeed the Hon. Stephen M. White, whose term of office will expire on the date already mentioned.

Hon. Robert N. Bulla, of Los Angeles County, was placed in nomination by Senator Simpson.

Hon. Ulysses S. Grant, Jr., of San Diego County, was placed in nomination by Senator Nutt.

Hon. George A. Knight, of San Francisco County, was placed in nomination by Senator Gillette.

Hon. Thomas R. Bard, of Ventura County, was placed in nomination by Senator Rowell.

Hon. W. H. L. Barnes, of San Francisco County, was placed in nomination by Senator Morehouse.

Hon. Daniel M. Burns, of San Francisco County, was placed in nomination by Senator Shortridge.

Hon. Stephen M. White, of Los Angeles County, was placed in nomination by Senator Sims.

Hon. Irving M. Scott, of San Francisco County, was placed in nomination by Senator Davis.

Senator Luchsinger seconded the nomination of Hon. W. H. L. Barnes.

Senator Stratton seconded the nomination of Hon. W. H. L. Barnes.

Senator Currier seconded the nomination of Hon. Robert N. Bulla.

Senator Wolfe seconded the nomination of Hon. Daniel M. Burns.

Senator Boyce seconded the nomination of Hon. Ulysses S. Grant.

Senator Bettman seconded the nomination of Hon. Daniel M. Burns.

Senator Leavitt seconded the nomination of Hon. Daniel M. Burns.

Senator Doty seconded the nomination of Hon. Stephen M. White.

Senator Cutter seconded the nomination of Hon. Ulysses S. Grant, Jr.

There being no further nominations, the same were declared closed, and the Secretary directed to call the roll.

The roll was called, and as each Senator's name was called he voted his choice for United States Senator, as follows :

For Hon. S. M. White—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—13.

For Hon. D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For Hon. U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Hon. R. N. Bulla—Senators Currier and Simpson—2.

For Hon. I. M. Scott—Senator Davis—1.

For Hon. John Rosenfeld—Senator Feeney—1.

For Hon. Thomas R. Bard—Senators Flint and Rowell—2.

For Hon. G. A. Knight—Senator Gillette—1.

For Hon. Van R. Paterson—Senator Taylor—1.

For Hon. W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

EXCUSED FROM VOTING.

When Senator Bulla's name was called he arose and asked that unanimous consent be given him to refrain from voting, as he had a personal interest in the pending contest.

Unanimous consent granted.

Total number of Senators present.....	40
Total number of Senators present and voting.....	39
Number of votes necessary to a choice.....	20
Hon. S. M. White received.....	13 votes.
Hon. D. M. Burns received.....	7 votes.
Hon. U. S. Grant, Jr., received.....	7 votes.
Hon. R. N. Bulla received.....	2 votes.
Hon. I. M. Scott received.....	1 vote.
Hon. J. Rosenfeld received.....	1 vote.
Hon. T. R. Bard received.....	2 votes.
Hon. G. A. Knight received.....	1 vote.
Hon. Van R. Paterson received.....	1 vote.
Hon. W. H. L. Barnes received.....	4 votes.

The President pro tem. announced the result, and declared that the roll call disclosed no choice for United States Senator.

RESOLUTION.

Senator Dickinson offered the following resolution:

Resolved, That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet with the Assembly in the

Assembly Chamber to-morrow, Wednesday, January 11, 1899, at twelve o'clock m., in Joint Assembly, for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

Resolution read and adopted.

SPECIAL ORDER RE-SET.

The special order (the introduction of bills) heretofore set for two o'clock P. M. of this day, was, on motion of Senator Cutter, re-set for three o'clock P. M. of this day.

RECESS.

At one o'clock and thirty minutes P. M., on motion of Senator Cutter, a recess was declared until three o'clock P. M. of this day.

REASSEMBLED.

At three o'clock P. M. the Senate reassembled.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

Quorum present.

SPECIAL ORDER.

The hour of three o'clock P. M. having arrived, the introduction of bills, heretofore set as a special order for this hour, was declared in order.

RESOLUTION.

Senator Langford offered the following resolution:

Resolved, That the mode of procedure for the introduction of bills by the several Senators be as follows: The Secretary of the Senate shall call the roll in regular order and as each Senator's name is called he be permitted to introduce one bill and after the roll call shall have been completed, a second, third, etc., roll call be made with the same privilege afforded each Senator, until the Senate orders its discontinuance.

Resolution read and adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendments were introduced:

By Senator Ashe: Senate Bill No. 1—An Act to amend Section eighteen hundred and eighty (1880) of the Code of Civil Procedure, relating to witnesses.

Read first time, and referred to Committee on Judiciary.

By Senator Bettman: Senate Bill No. 2—An Act to regulate the practice of barbering, the licensing of persons to carry on such practice, and to insure the better education of such practitioners in the State of California.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Boggs: Senate Bill No. 3—An Act establishing State and County Boards of Deposits; to define the duties thereof, and authorizing the establishment of depositories of public moneys.

Read first time, and referred to Committee on Banks and Banking.

Also: Senate Bill No. 4—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor.

Read first time, and referred to Committee on Judiciary.

By Senator Brauhart: Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds, approved March 23, 1893,' approved March 9, 1897."

Read first time, and referred to Committee on Judiciary.

By Senator Bulla: Senate Bill No. 6—An Act to provide for certain improvements and repairs at the State Normal School at Los Angeles, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Chapman: Senate Bill No. 7—An Act for the relief of John Mullan, and to appropriate money therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Currier: Senate Bill No. 8—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendments thereto approved March 19, 1889, and March 26, 1895, respectively.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Curtin: Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

Read first time, and referred to Committee on Corporations.

By Senator Cutter: Senate Bill No. 10—An Act to amend Sections 3, 4, 5, 6, 7, 8, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands, approved April 15, 1880," as amended by an Act entitled "An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled an Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, approved March 19, 1889.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator Davis: Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga mine, and making an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Senator Dickinson: Senate Bill No. 12—An Act to prevent the maintenance against the State or any officer thereof, by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county or any officer thereof for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

Read first time, and referred to Committee on Judiciary.

By Senator Doty: Senate Bill No. 13—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor.

Read first time, and referred to Committee on State Prisons and Prison Buildings.

By Senator Feeney: Senate Bill No. 14—An Act to provide for the construction and maintenance of a fire-boat for the protection of shipping and inflammable property bordering on the bays of San Francisco, San Pablo, and Suisun, and navigable rivers and sloughs adjacent thereto.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Flint: Senate Bill No. 15—An Act to create the Bureau of State Inspection of Foods, Drinks, and Drugs in the State of California.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Gillette: Senate Bill No. 16—An Act authorizing and providing the means of collecting and receiving, from the United States, all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving; also, all moneys advanced, disbursed, and expended by said State in aid of the United States, in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Read first time, and referred to Committee on Finance.

By Senator Hall: Senate Bill No. 17—An Act to amend Section 3546 and Section 3547 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

Read first time, and referred to Committee on Judiciary.

By Senator Jones: Senate Bill No. 18—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Laird: Senate Bill No. 19—An Act repealing "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Read first time, and referred to Committee on Roads and Highways.

By Senator Langford: Senate Bill No. 20—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for non-user of corporate powers.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator La Rue: Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor and to appropriate money to enforce the same.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Leavitt: Senate Bill No. 22—An Act to create the harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the harbor of Oakland to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties, and jurisdiction, fixing their terms, salaries, and their bonds, and providing how vacancies shall be filled, providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collector and other employes, and providing for the manner of their appointment and defining their duties and fixing their tenure of office; providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board or employes a misdemeanor, and providing a penalty of a fine not to exceed three hundred dollars, or imprisonment not exceeding one hundred days, as a punishment therefor, and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing punishment therefor of a fine of not less than one hundred dollars and not more than five hundred dollars, or by imprisonment of not less than thirty nor more than ninety days, and making it a misdemeanor to drive horses, or mules, or vehicles upon any wharf, pier, quay, landing, thoroughfare, faster than a walk, and providing a punishment of a fine of not more than twenty dollars, or imprisonment of not more than ten days, and providing that the Police Court of the City of Oakland shall have jurisdiction of all such misdemeanors herein provided, and making it a misdemeanor for masters, owners, or consignees of vessels or railroad to refuse or to neglect to deliver to the wharfinger, or other employe of the board, a statement of the quality of the merchandise intended to be discharged, and making the punishment therefor a fine of not more than one hundred dollars, or imprisonment of not more than three months, or both; and making it a misdemeanor for any such person to discharge, or to allow to be discharged, from any such vessel or car

any part of its cargo or load, or receive or allow to be received on such vessel or car, any such part of its cargo or load, and providing a punishment of a fine not exceeding five hundred dollars, or imprisonment not exceeding one hundred days, or by both such fine and imprisonment, and providing that the Attorney-General shall furnish advice to the board when required.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Morehouse: Senate Bill No. 23—An Act to provide for the nomination of candidates for public office, the selection of delegates to national conventions, and the transaction, settlement, and control of certain affairs of political parties or organizations, by and through political conventions composed of delegates chosen at general primary elections, or their proxies, and to regulate the conduct of such elections, and define and provide for definite political committees to coöperate therein, and to enforce said method of making such nominations.

Read first time, and referred to Committee on Judiciary.

By Senator Nutt: Senate Bill No. 24—An Act to amend Sections 2, 3, 4, 5, 8, 9, and 12, and to repeal Section 11 of an Act entitled "An Act to establish a standard of weights and measures," approved April 6, 1891.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Rowell: Senate Bill No. 25—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Shortridge: Senate Bill No. 26—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Simpson: Senate Bill No. 27—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carriers in this State, of any or all of the property and franchises owned, situated, held or used wholly or partially in this State by any railroad company created under the laws of this State, or of any other State or Territory, or of the United States, which is now, or hereafter may be, doing business as a common carrier in this State, and authorizing the sale or lease by any such corporation, as above mentioned, of any such property, or franchises, or both, which it may own, use, or hold, wholly or partially, in this State.

Read first time, and referred to Committee on Corporations.

By Senator Sims: Senate Bill No. 28—An Act to amend Section 1290 and Section 1291 of the Political Code, relating to elections, and providing for declaring the result of the vote on proposed constitutional amendments.

Read first time, and referred to Committee on Elections.

By Senator Smith: Senate Bill No. 29—An Act to establish the California Polytechnic School in the County of San Luis Obispo, California, and making an appropriation therefor.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Stratton: Senate Bill No. 30—An Act concerning elections and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections.

Read first time, and referred to Committee on Elections.

By Senator Taylor: Senate Bill No. 31—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Ashe: Senate Bill No. 32—An Act to amend Section 595 of Civil Code.

Read first time, and referred to Committee on Judiciary.

By Senator Boggs: Senate Bill No. 33—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator Braunhart: Senate Bill No. 34—An Act to establish a State Normal School in the City and County of San Francisco, State of California, and making an appropriation of \$150,000.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Wolfe: Senate Bill No. 35—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, as amended March 9, 1895, and March 9, 1897, and to repeal Section 2 of an Act approved March 9, 1897, amendatory of said Act.

Read first time, and referred to Committee on Judiciary.

By Senator Boyce: Senate Bill No. 36—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new Section to said Code, to be known as Section 1674, relating to the public schools.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Curtin: Senate Bill No. 37—An Act making an appropriation to pay the claim of F. P. Otis for costs of suit in foreclosing delinquent purchases of State school lands.

Read first time, and referred to Committee on Finance and Claims.

By Senator Cutter: Senate Bill No. 38—An Act prohibiting action by counties and by any city and county against the State.

Read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Bill No. 39—An Act appropriating money to pay the expenses of maintaining an exhibit of the mining products of the State of California at the World's Industrial Exposition to be held at Paris, France, in 1900, and to provide for commissioners thereof.

Read first time, and referred to Committee on Finance and Claims.

By Senator Doty: Senate Bill No. 40—An Act to create an Exempt Fireman's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as fireman of such exempt firemen.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Feeney: Senate Bill No. 41—An Act to amend Section 1186 of the Political Code of the State of California, defining political conventions.

Read first time, and referred to Committee on Elections.

By Senator Gillette: Senate Bill No. 42—An Act to amend Section 2460 of the Political Code of the State of California, relating to the pilots of San Francisco, Mare Island, Vallejo, and Benicia rendering a monthly account to the Board of Pilot Commissioners.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Langford: Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the Free Public Market established by the Act approved March 29, 1897.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator La Rue: Senate Bill No. 44—An Act entitled "An Act to amend an Act to prevent sheep and goats being herded or running at large in certain portions of Lake County."

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Leavitt: Senate Bill No. 45—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 228 of said Act, relating to and providing for county charges.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Morehouse: Senate Bill No. 46—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Read first time, and referred to Committee on Judiciary.

By Senator Nutt: Senate Bill No. 47—An Act to appropriate money for the improvement of the harbor of San Diego, by the Board of State Harbor Commissioners for San Diego Bay.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Sims: Senate Bill No. 48—An Act to prohibit the use, by purchasers of milk, cream, or other dairy products, of apparatus, test

bottles, or other appliances, showing false percentages of cream, butter-fat, or richness, or which by their use are calculated to deceive or defraud.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Smith: Senate Bill No. 49—An Act to amend Sections 1094, 1095, 1096, 1097, 1101, 1103, 1104, 1105, 1113, 1115, 1116, 1130, 1204, 1261, and to repeal Sections 1098, 1099, 1100, 1114, of the Political Code.

Read first time, and referred to Committee on Elections.

By Senator Stratton: Senate Bill No. 50—An Act providing for the use of separate ballot boxes for each political party at primary elections.

Read first time, and referred to Committee on Elections.

By Senator Wolfe: Senate Bill No. 51—An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Read first time, and referred to Committee on Judiciary.

By Senator Boggs: Senate Bill No. 52—An Act to establish, ratify, and confirm the north boundary line of Mendocino County, between the counties of Mendocino and Trinity, as the same was surveyed and established by S. H. Rice, between September 1, 1891, and December 18, 1891, to be the true boundary line between the counties of Mendocino and Trinity, State of California.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Boyce: Senate Bill No. 53—An Act to amend Sections 435, 1595, and 1858, of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said code, to be known as Sections 1675 and 1705, relating to kindergartens.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Braunhart: Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the water front of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this act to a vote of the people.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Chapman: Senate Bill No. 55—An Act appointing John Mullan agent of this State to collect from the United States all moneys heretofore paid, and which may also become due this State on account of obligations heretofore assumed by this State for the benefit and "common defense" of the United States growing out of Indian hostilities in this State and upon the borders thereof, including also all moneys which may become due this State on account of the five per cent of the net proceeds of the sales, for cash or otherwise, of the public

lands made by the United States in this State, and allowing him compensation therefor in the event of success.

Read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges and officers connected with the Supreme Court.

Read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 57—An Act for the punishment of State, county, and city and county officers for withholding, hindering, or delaying, or aiding in the withholding, hindering, or delaying the payment of moneys derived from taxes or fees collected for State purposes.

Read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Bill No. 58—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Dickinson: Senate Bill No. 59—An Act to provide for the inspection of dairies, factories, of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Gillette (by request): Senate Bill No. 60—An Act to amend Section 613 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to cemetery corporations.

Read first time, and referred to Committee on Judiciary.

By Senator Langford: Senate Bill No. 61—An Act for the relief of district agricultural associations or district agricultural societies, and appropriating the sum of \$75,000 for such purpose.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Leavitt: Senate Bill No. 62—An Act entitled "An Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sales of articles manufactured or produced in this State, which under the laws of the United States cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States."

Read first time, and referred to Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 63—An Act to amend Section 1227 of the Civil Code of the State of California.

Read first time, and referred to Committee on Judiciary.

By Senator Nutt: Senate Bill No. 64—An Act to amend Sections 2579, 2588, 2589, 2590, 2591, and 2605 of an Act entitled "An Act to add thirty-four sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as Sections 2575, 2576,

2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2605, 2606, 2607, 2608, all relating to the establishing of a Board of State Harbor Commissioners for the Bay of San Diego," approved March 18, 1889, relating to the powers and duties of said Board of State Harbor Commissioners for the Bay of San Diego.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Sims: Senate Bill No. 65—An Act to add a new section to the Political Code, to be known as Section 793, relating to notaries public.

Read first time, and referred to Committee on Judiciary.

By Senator Smith: Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton: Senate Bill No. 67—An Act adding a new section to the Political Code of this State, to be known and designated as Section 1118, providing for registration and the use of registers at primary elections.

Read first time, and referred to Committee on Elections.

By Senator Taylor: Senate Bill No. 68—An Act to amend Section 2 and Section 38 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, concerning changes in the grade of streets.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Wolfe: Senate Bill No. 69—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly-filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Read first time, and referred to Committee on Judiciary.

By Senator Boggs: Senate Bill No. 70—An Act to appropriate seventeen thousand five hundred (17,500) dollars for the furnishing of the administration building and two male wards of the Mendocino State Hospital; for the purchase of an electric plant for lighting the hospital buildings and grounds, and the necessary machinery and appliances therefor, and to construct a building to contain the same; to purchase an ice plant and cold storage system, to make the necessary changes in attics to protect the hospital buildings against fire, to appropriate money therefor, and provide for the expenditure of the same.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Boyce: Senate Bill No. 71—An Act to amend Sections 1770, 1771, 1772, 1773, 1774, and 1775 of the Political Code, relative to County Boards of Education.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Brauhart: Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

Read first time, and referred to Committee on Corporations.

By Senator Curtin: Senate Bill No. 73—An Act for the relief of District Agricultural Associations and appropriating money therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Cutter: Senate Bill No. 74—An Act to amend Section 456 of the Civil Code.

Read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Bill No. 75—An Act making an appropriation to pay the claim of J. W. Sibole.

Read first time, and referred to Committee on Finance and Claims.

By Senator Dickinson: Senate Bill No. 76—An Act to prevent deception in the manufacture and sale of butter in packages known as short-weight, and to prevent deception in the use of designs or brands.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Gillette (by request): Senate Bill No. 77—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Read first time, and referred to Committee on Judiciary.

By Senator Langford: Senate Bill No. 78—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator Leavitt: Senate Bill No. 79—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Morehouse: Senate Bill No. 80—An Act to add a new section to the Civil Code of the State of California, to be numbered 3443.

Read first time, and referred to Committee on Judiciary.

By Senator Nutt: Senate Bill No. 81—An Act relating to the compensation of County Recorders in counties where their compensation is fees only, instead of salary.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Smith: Senate Bill No. 82—An Act authorizing the State Treasurer to furnish his office and the vault therein, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Stratton: Senate Bill No. 83—An Act to amend Section 1188 of the Political Code, relating to the method by which candidates for public office may be nominated.

Read first time, and referred to Committee on Elections.

By Senator Taylor: Senate Bill No. 84—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a board of examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

Read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 85—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Read first time, and referred to Committee on Judiciary.

By Senator Boggs: Senate Bill No. 86—An Act to appropriate twenty thousand dollars for the erection of a building for the Mendocino State Hospital, for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital, said building to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital, to appropriate money therefor, and provide for the expenditure of the same.

Read first time, and referred to Committee on Finance and Claims.

By Senator Boyce: Senate Bill No. 87—An Act to amend Sections 1790 and 1791 of the Political Code, relating to City Boards of Examination.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Braunhart: Senate Bill No. 88—An Act for the suppression of bucket-shops, and gambling in stocks, bonds, petroleum, cotton, grain, provisions, or other produce.

Read first time, and referred to Committee on Corporations.

By Senator Cutter: Senate Bill No. 89—An Act to amend Section 1086 of the Code of Civil Procedure, relating to the writ of mandate.

Read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Bill No. 90—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners (approved March 4, 1881. Statutes 1881, p. 26), relating to assessing and collecting said taxes.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Dickinson: Senate Bill No. 91—An Act to prevent deception in the sale of process or renovated butter.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Langford: Senate Bill No. 92—An Act appointing Thomas M. Mosler, John Mullan, and James W. Shanklin agents of the State, by an Act instead of by Concurrent Resolutions, as heretofore, to collect from the United States, in aiding the State Volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton (by request of Senator Leavitt): Senate Bill No. 93—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3748, 3758, and 3759 of said Political Code, and by repealing Section 3762 of said Code, all relating to revenue and taxation.

Read first time, and referred to Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 94—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton: Senate Bill No. 95—An Act to amend Section 1186 of the Political Code, relating to conventions.

Read first time, and referred to Committee on Elections.

By Senator Taylor: Senate Bill No. 96—An Act entitled an Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Wolfe: Senate Bill No. 97—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Read first time, and referred to Committee on Judiciary.

By Senator Boyce: Senate Bill No. 98—An Act to amend Sections 1 and 3 of an Act entitled "An Act for the protection of children and to prevent and punish wrongs to children," approved March 29, 1878.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Braunhart: Senate Bill No. 99—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 100—An Act for the protection of horticulture, and to prevent the introduction into this State of insects or diseases or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Dickinson: Senate Bill No. 101—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Langford: Senate Bill No. 102—An Act empowering Boards of Supervisors to construct, reconstruct, and change the location of and enter into contracts concerning bridge or bridges across navigable streams or waterways in this State.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Morehouse: Senate Bill No. 103—An Act to authorize agricultural societies to borrow money and secure the payment of the same.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton: Senate Bill No. 104—An Act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments.

Read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace.

Read first time, and referred to Committee on Judiciary.

By Senator Boyce: Senate Bill No. 106—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add two new sections to said Act, to be known as Sections 20 and 21.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Cutter: Senate Bill No. 107—An Act to prevent the shipment of infected fruits out of the State of California.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Dickinson: Senate Bill No. 108—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State.

Read first time, and referred to Committee on Judiciary.

By Senator Langford: Senate Bill No. 109—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd by the State Board of Examiners, and to appropriate money therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Morehouse: Senate Bill No. 110—An Act to amend Sections 1373, 1633, 1552, 1668, and 1699 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton: Senate Bill No. 111—An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions.

Read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 112—An Act to amend Sections 6, 7, and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof approved February 18, 1885, and an amendatory Act thereof approved March 7, 1889.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Braunhart: Senate Bill No. 113—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 114—An Act entitled "An Act to amend Section 3009 of the Political Code," relating to the appointment of officers and employes by the San Francisco Board of Health.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton: Senate Bill No. 115—An Act to appropriate money for the erection of a statue in Golden Gate Park to the memory of James Lick.

Read first time, and referred to Committee on Finance and Claims.

By Senator Braunhart: Senate Bill No. 116—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 117—An Act making an appro-

priation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Dickinson: Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Stratton: Senate Bill No. 119—An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Bräunhart: Senate Bill No. 120—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 121—An Act to appropriate ten thousand dollars for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State parasites and predaceous insects.

Read first time, and referred to Committee on Finance and Claims.

By Senator Dickinson: Senate Bill No. 122—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Stratton: Senate Bill No. 123—An Act appropriating the sum of \$15,000 for the erection in Golden Gate Park, San Francisco, California, of a monument or statue to the memory of Colonel E. D. Baker, and appointment of a commission to carry into effect the provisions of this Act.

Read first time, and referred to Committee on Finance and Claims.

By Senator Braunhart: Senate Bill No. 124—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the administration of estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

By Senator Dickinson: Senate Constitutional Amendment No. 1—Constitutional amendment to propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 16, 17, 18, 21, and 23, of Article VI thereof, relating to the Judiciary, and establishing Courts of Appeal.

Read, and referred to Committee on Judiciary.

By Senator Simpson: Senate Constitutional Amendment No. 2—Resolution to propose an amendment to Article VI of the Constitution of the State of California, relating to the Judicial Department.

Referred to Committee on Judiciary.

By Senator Taylor: Senate Constitutional Amendment No. 3—A resolution proposing to the people of the State of California an amendment to Section 7, Article I, of the Constitution of said State, relating to the right of trial by jury and number of jurors necessary to render a verdict.

Referred to Committee on Judiciary.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Senator Simpson, the Senate was declared adjourned until ten o'clock A. M. of Wednesday, January 11, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 11, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING OF THE JOURNAL.

The Journal of Tuesday, January 10, 1899, was read.

APPROVAL OF JOURNALS.

The Journals of Thursday, January 5, 1899; Friday, January 6, 1899; Saturday, January 7, 1899, and Monday, January 9, 1899, were approved.

CHANGE IN PERSONNEL OF COMMITTEES.

The President announced that he desired to change the personnel of the two Committees on Municipal Corporations and State Prisons and Prison Buildings, by substituting the name of Senator Doty for that of Senator Bettman on the Committee on State Prisons and Prison Buildings, and that of Senator Bettman for that of Senator Doty on the Committee on Municipal Corporations, and asked for the consent of the Senate to such substitutions.

Consent granted, and substitutions made.

PETITIONS.

Senator Stratton presented the following memorial:

SAN FRANCISCO, CAL., December 30, 1898.

To the Honorable Senate and Assembly of the State of California:

The undersigned committee representing the Society of California Pioneers, the California Academy of Sciences, and the Board of Regents of the University of Cali-

fornia, were appointed to memorialize the Legislature of California for an appropriation for the erection of a statue to the memory of James Lick, in Golden Gate Park, in the City and County of San Francisco.

We respectfully submit that the manner in which he devoted his fortune for the benefit of the public preëminently merits recognition by the State.

In 1875 he conveyed his property to trustees and directed that there should be paid therefrom \$700,000 in purchasing land and placing thereon a telescope more powerful than any previously made, and a suitable observatory, and directed that the whole should be conveyed to the Regents of the University of California, the telescope and observatory to be known as "The Lick Astronomical Department of the University of California"; \$100,000 to found an institute to be called the "Old Ladies' Home," as a retreat for women who are unable to support themselves and who have no resources of their own; \$150,000 to be expended in the erection and maintaining of free baths; \$60,000 to be expended in the erection of a bronze monument in Golden Gate Park in San Francisco to the memory of Francis Scott Key, author of the song, "The Star Spangled Banner"; \$100,000 to erect a group of bronze statuary at the City Hall in San Francisco to represent by appropriate designs and figures the history of California from the earliest settlement of the Missions to the acquisition of California by the United States, and from such acquisition to the time when agriculture became the leading interest of the State, and from the last named period to the first day of January, 1874; \$540,000 to found and endow an institute to be called the "California School of Mechanical Arts," the object and purpose of which should be to educate males and females in the practical arts of life, to be open to all youths born in California; \$25,000 to the Protestant Orphan Asylum of San Francisco; \$25,000 to the City of San José to support an orphan asylum at or near said city free to all orphans; \$25,000 to the Ladies' Protection and Relief Society of San Francisco; \$10,000 to the Mechanics' Institute of San Francisco; \$10,000 to the Society for the Prevention of Cruelty to Animals, with the hope that the trustees of said society might organize such a system as would result in establishing a similar society in every city and town in California; and he directed that the residue of the money arising from such trust should be equally divided between the Society of California Pioneers and the California Academy of Sciences, under which residuary provision each of said societies received the sum of \$604,654 08.

We respectfully ask that the memory of the man whose philanthropic impulses were such as to cause him to devise these numerous benefactions, and to provide the means for their accomplishment, be honored and perpetuated by an appropriate statue, to be erected under the authority of the State, and that the requisite appropriation be made.

JAS. D. PHELAN.
AYLETT R. COTTON.
ERNST A. DENICKE.
J. H. JEWETT.
W. M. PIERSON.
A. W. VON SCHMIDT.
WM. H. CROCKER.

Memorial read and ordered printed in the Journal, and referred to the Committee on Finance and Claims.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and joint and concurrent resolutions and constitutional amendments were introduced:

By Senator Burnett: Senate Joint Resolution No. 5—Relative to the pensioning of the loyal survivors of the several Indian wars by the United States Government, and requesting the final passage of the Act by Congress.

MOTIONS.

Senator Burnett moved the suspension of the rules for the purpose of disposing of the joint resolution.

Senator Smith moved as an amendment that the further consideration of Senate Joint Resolution No. 5 be postponed until to-morrow.

Amendment carried.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Cutter: Senate Bill No. 125—An Act to increase the

membership of the Auditing Board to the Commissioner of Public Works.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 126—An Act to amend Section 25 of an Act to establish a uniform system of county and township governments, approved April 1, 1897, relating to the powers of Boards of Supervisors.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Dickinson: Senate Bill No. 127—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 128—An Act to amend Sections 537 and 539 of the Code of Civil Procedure, relating to attachments.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 129—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton: Senate Bill No. 130—An Act to amend Section 849 of the Penal Code of the State of California, relating to arrests.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 131—An Act to amend Section 337 of the Civil Code of the State of California, relating to the publication of notice of the delinquent assessment upon stock of corporations.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 132—An Act relating to certain contracts for the conditional sale, lease, or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 133—An Act concerning registration for primary elections.

Read first time, and referred to Committee on Elections.

Also: Senate Bill No. 134—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

Read first time, and referred to Committee on Education and Public Morals.

Also: Senate Bill No. 135—An Act relating to negotiable instruments, being an Act to establish a law uniform with the laws of other States on that subject.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 136—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the concrete guttering, culverting, and macadamizing of Warring street in front of the lands of the Institute of the Deaf, Dumb and Blind of Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, Superintendent of Streets of the Town of Berkeley, California, his authority having been acquired under the general street laws of this State.

Read first time, and referred to Committee on Finance and Claims.

By Senator Doty: Senate Bill No. 137—An Act to prohibit the wearing

of the insignia, badges, links, buttons, uniform, or other emblems of secret societies, and the use thereof to obtain aid or assistance by persons not members thereof, and to punish for the violation of this Act.

Read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Bill No. 138—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts, in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891,

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

Also: Senate Bill No. 139—An Act prohibiting the sale of adulterated cigarettes, and providing a legal sanction.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Nutt: Senate Bill No. 140—An Act to pay the claim of Abraham W. Rapelye against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Jones: Senate Bill No. 141—An Act amending an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 139, relating to fraudulent proof of labor on mining claims under the laws of this State or of the United States.

Read first time, and referred to Committee on Mines, Drainage, and Débris.

Also: Senate Bill No. 142—An Act to amend an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of locations and affidavits," approved March 27, 1897, by adding a new section thereto, defining who may not relocate a claim after the same has lapsed for want of the performance of labor.

Read first time, and referred to Committee on Mines, Drainage, and Débris.

By Senator Currier: Senate Bill No. 143—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Braunhart: Senate Bill No. 144—An Act requiring the Board of State Harbor Commissioners to construct works for preserving piles and timbers for the use of wharves, piers, quays, and landings on the waterfront of the City and County of San Francisco.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

Also: Senate Bill No. 145—An Act to amend Section 737 of the Political Code of the State of California, relating to the annual salaries of the Judges of the Superior Court.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 146—An Act to amend Sections 1917, 1918, and 1920 of the Civil Code, relating to legal rates of interest.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 147—An Act to amend Section 1970 of the Civil Code of the State of California, relating to obligations of employers.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 148—An Act to amend Section 657 of the Code of Civil Procedure of the State of California, relative to new trials.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 149—An Act to amend Section 8 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California, approved March 5, 1889, and providing for an additional department to be known as Department No. 4, and the appointment of a suitable person to act as Judge of said Court, approved February 23, 1893, relative to stenographers."

Read first time, and referred to San Francisco Delegation.

By Senator Currier: Senate Bill No. 150—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Dickinson: Senate Bill No. 151—An Act for the relief of John N. E. Wilson, ex-Insurance Commissioner of the State of California, and of James D. Byrnes and Frank C. De Long, the bondsmen of said John N. E. Wilson, ex-Insurance Commissioner, and authorizing the Attorney-General of the State of California to enter satisfaction of judgment for the sum of \$4,063 82, in full settlement of the suit entitled "The People of the State of California, upon the complaint of E. P. Colgan, as Controller of said State, plaintiff, vs. John N. E. Wilson, Frank C. De Long, and James D. Byrnes, defendants."

Read first time, and referred to Committee on Finance and Claims.

By Senator Bulla (by request): Senate Bill No. 152—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces, and other works for cremation of human bodies; also to erect or lease buildings, in which shall be entombed only the ashes of cremated dead, to make provisions for the care of the burial places and ashes of the dead; also to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease.

Read first time, and referred to Committee on Corporations.

By Senator Stratton: Senate Constitutional Amendment No. 4—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 2½, Article II thereof, concerning primary elections.

Referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 5—Relating to the

framing by the inhabitants of counties, of local county government acts for their own government.

Referred to Committee on Judiciary.

By Senator Luchsinger: Senate Concurrent Resolution No. 3—Relative to the approval of the City of Vallejo Charter, voted for and ratified by the qualified electors of said city at an election held on the twenty-first day of March, 1898.

Referred to Committee on Municipal Corporations.

By Senator Braunhart: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Referred to Committee on Judiciary.

By Senator Luchsinger: Senate Joint Resolution No. 5—Relative to the building on this coast a fair proportion of the United States vessels hereafter ordered.

Referred to Committee on Federal Relations and Immigration.

MOTION.

Senator Stratton moved that Senate Bills Nos. 23 and 30, both relating to primary elections, be referred to the Judiciary Committee to report upon their constitutionality, and then to be re-referred to the Committee on Elections.

Motion carried, and Senate Bill No. 30 ordered withdrawn from the Committee on Elections, and referred to Committee on Judiciary.

TEMPORARY WITHDRAWAL OF BILL.

Senator Langford was granted unanimous consent to temporarily withdraw for purpose of correction Senate Bill No. 92—An Act appointing Thomas M. Mosler, John Mullan, and James W. Shanklin agents of the State, by an Act instead of by concurrent resolutions, as heretofore, to collect from the United States, in aiding the State Volunteers mustered into the service of the United States during the rebellion, and allowing them compensation therefor, if successful.

On motion of Senator Curtin, Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872—was withdrawn from the Committee on Corporations and re-referred to the Committee on Judiciary.

RESOLUTION.

Senator Leavitt offered the following resolution:

Resolved, That the Lieutenant-Governor is hereby authorized to increase the Finance; Commerce, Harbors, Rivers and Coast Defenses, and Military Committees, by appointing two additional members on each of the above-named committees.

Resolution read, and referred to Committee on Rules and Revision.

RECESS.

At ten o'clock and forty-seven minutes A. M., on motion of Senator Burnett, a recess was declared until eleven o'clock and forty-five minutes A. M. of this day.

RECONVENED.

At eleven o'clock and forty-five minutes A. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names :

Senators Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

RECESS.

At eleven o'clock and fifty minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Stephen M. White, had arrived, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, January 11, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act of Congress entitled "An Act to regulate the time and manner for holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—40.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kennally, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen,

Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—80.

Quorum present.

The President pro tem. of the Senate declared that a quorum of the Joint Assembly was present, and that the election of a United States Senator to succeed the Hon. Stephen M. White, as such, was now in order, and directed the Secretary of the Senate to read the Act of Congress requiring a Joint Assembly to be held this day.

It was read, as follows:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1868, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by a viva voce vote by each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House shall be entered on the Journal of that House by the Clerk or Secretary thereof, or, if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of its President pro tem., then read from the Journal of the Senate of Tuesday, January 10, 1899, (which was the second Tuesday after the organization of the thirty-third session of the Legislature of the State of California) so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. Stephen M. White, a United States Senator from California, whose term of office is about to expire, whereby it appeared that forty Senators were present, thirty-nine voting (Senator Bulla having been excused from voting), each voted for his choice, that no person named had received a majority of all the votes cast, and that

S. M. White received.....	13 votes.
D. M. Burns received.....	7 votes.
U. S. Grant received.....	7 votes.
R. N. Bulla received.....	2 votes.
I. M. Scott received.....	1 vote.
J. Rosenfeld received.....	1 vote.
T. R. Bard received.....	2 votes.
G. A. Knight received.....	1 vote.
Van R. Paterson received.....	1 vote.
W. H. L. Barnes received.....	4 votes.

The Chief Clerk of the Assembly, by direction of the Speaker of the Assembly, then read from the Journal of the Assembly of Tuesday, January 10, 1899 (which was the second Tuesday after the organization of the thirty-third session of the Legislature of the State of California), so much of the proceedings as related to the election of a Senator in Congress to succeed Hon. Stephen M. White, a United States Senator from California, whose term of office is about to expire.

Whereby it appears that seventy-nine members of the Assembly were present, and voted each for his choice, that no person named had received a majority of all the votes cast, and that

W. H. L. Barnes received.....	5 votes.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	17 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	19 votes.
G. A. Knight received.....	2 votes.
Stephen M. White received.....	21 votes.
M. M. Estee received.....	2 votes.
Van R. Paterson received.....	2 votes.
Irving M. Scott received.....	1 vote.

The Speaker of the Assembly announced that the roll calls of the Senate and Assembly disclosed the fact that no person named for a Senator in Congress had received a majority vote, and declared that there was no choice voted on yesterday, and that it now devolved upon the Joint Assembly to elect a Senator in Congress to succeed the Hon. Stephen M. White.

The President pro tem. of the Senate thereupon declared nominations for United States Senator in order.

MOTION.

Senator Morehouse moved that no nominating speeches be permitted.

After some discussion, the Senator, with the consent of the member who seconded the motion, withdrew the same.

Senator Stratton thereupon moved that no nominating speeches be permitted.

The question having been put, and the President pro tem. being in doubt as to the result, ordered the roll called.

The Secretary of the Senate called the roll of Senators, with the following result:

AYES—Senators Bettman, Chapman, Currier, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, Leavitt, Prisk, Rowell, Stratton, Taylor, and Trout—17.

NOES—Senators Ashe, Boggs, Boyce, Brauhart, Burnett, Curtin, Cutter, Davis, Doty, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Shortridge, Simpson, Sims, and Wolfe—21.

By direction of the Speaker of the Assembly, the Chief Clerk called the roll of Assemblymen, with the following result:

AYES—Messrs. Arnerich, Barry, Brooke, Brown, Burnett, Cargill, Chynoweth, Cobb, Cowan, De Lencie, Fairweather, Feliz, Hanley, Kelley, Kelsey, Kenneally, Knowland, La Barea, Lardner, Marvin, McDonald of Alameda, McKeen, Mead, Merrill, Merritt, Milice, Miller of San Francisco, Radcliff, Raw, Sanford, Stewart, Eugene Sullivan, and E. D. Sullivan—83.

NOES—Messrs. Anderson, Atherton, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Caminetti, Clark, Clough, Conrey, Cosper, Crowder, Crowley, Dale, Devoto, Dibble, Dunlap, Glenn, Greenwell, Griffin, Henry, Hoey, Huber, Jilson, Johnson, Knights, Le Baron, Lundquist, Mack, McDonald of Tuolumne, Melick, Meserve, Miller of Los Angeles, Muentner, O'Brien, Pierce, Raub, Rickard, Robinson, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—47.

The President pro tem. of the Senate announced the result as follows:
Ayes 50, Noes 68, and declared the motion lost.

MOTIONS.

Assemblyman White moved that the speeches to be made in behalf of the candidates whose names were placed in nomination on yesterday be limited to five minutes, and other nominating speeches be not limited.

On motion of Assemblyman Hoey, the previous motion was laid on the table.

NOMINATIONS.

Hon. Ulysses S. Grant, of San Diego County, was placed in nomination by Senator Smith.

Hon. Daniel M. Burns, of San Francisco County, was placed in nomination by Senator Wolfe.

Hon. Robert N. Bulla, of Los Angeles County, was placed in nomination by Senator Simpson.

Hon. Irving M. Scott, of San Francisco County, was placed in nomination by Senator Davis.

Hon. George A. Knight, of San Francisco County, was placed in nomination by Senator Gillette.

Hon. W. H. L. Barnes, of San Francisco County, was placed in nomination by Senator Morehouse.

Assemblyman Cosper seconded the nomination of Hon. Robert N. Bulla.

Hon. James D. Phelan, of San Francisco County, was placed in nomination by Assemblyman Wardell.

Senator Curtin seconded the nomination of Hon. James D. Phelan.

Assemblyman Pierce seconded the nomination of Hon. Daniel M. Burns.

Senator Luchsinger seconded the nomination of Hon. W. H. L. Barnes.

Assemblyman Lardner seconded the nomination of Hon. W. H. L. Barnes.

There being no further nominations, the President pro tem. of the Senate declared all nominations closed, and directed the Secretary of the Senate to call the roll of Senators, each of whom would vote his choice for United States Senator as his name was called.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier and Simpson—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For G. A. Knight—Senator Gillette—1.

For Jas. D. Phelan—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—13.
For Van R. Paterson—Senator Taylor—1.
For Thos. R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For J. Rosenfeld—Senator Feeney—1.

Whole number of votes cast.....	39
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
G. A. Knight received.....	1 vote.
Jas. D. Phelan received.....	13 votes.
Van R. Paterson received.....	1 vote.
Thos. R. Bard received.....	2 votes
Irving M. Scott received.....	1 vote.
J. Rosenfeld received.....	1 vote.
Excused from voting (Senator Bulla).....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom would vote his choice for United States Senator as his name was called.

The roll was called, with the following result :

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, and Lardner—5.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Huber, Melick, Miller of Los Angeles, Robinson, Valentine, and Wright—9.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—18.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20
For G. A. Knight—Mr. Boynton—1.
For Jas. D. Phelan—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—21.
For M. M. Estee—Messrs. Anderson and Wade—2.
For Van R. Paterson—Messrs. La Baree and Muentner—2.
For Irving M. Scott—Mr. Dunlap—1.

Whole number of votes cast.....	86
W. H. L. Barnes received.....	5 votes.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	18 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	20 votes.
G. A. Knight received.....	1 vote.
Jas. D. Phelan received.....	21 votes.
M. M. Estee received.....	2 votes.
Van R. Paterson received.....	2 votes.
Irving M. Scott received.....	1 vote.

The President pro tem. of the Senate declared the result of the roll call, as follows:

Whole number of votes cast.....	119
Necessary to a choice.....	60
W. H. L. Barnes received.....	9 votes.
R. N. Bulla received.....	11 votes.
D. M. Burns received.....	25 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	27 votes.
G. A. Knight received.....	2 votes.
J. D. Phelan received.....	34 votes.
Van R. Paterson received.....	3 votes.
T. R. Bard received.....	2 votes.
I. M. Scott received.....	2 votes.
M. M. Estee received.....	2 votes.
J. Rosenfeld received.....	1 vote.

And further declared that no person voted for had received a majority vote, and that no election of a United States Senator had as yet taken place.

ADJOURNMENT.

At two o'clock and forty minutes P. M., on motion of Senator Simpson, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Thursday, January 12, 1899.

IN SENATE.

RECONVENED.

At two o'clock and fifty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—34.

Quorum present.

RECESS.

On motion of Senator Dickinson, a recess was declared until four o'clock and thirty minutes P. M. of this day.

RECONVENED.

At four o'clock and forty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—33.

Quorum present.

LEAVE OF ABSENCE.

A leave of absence for the day was granted Senator Bulla, on motion of Senator Currier.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Cutter: Senate Bill No. 153—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employés of the Legislature.

Read first time, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Gillette: Senate Bill No. 154—An Act to amend Sections 2570 and 2571 of the Political Code of the State of California, relative

to the Harbormaster of the port of Eureka, and relative to the salaries of the members of the Board of Harbor Commissioners.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Boyce: Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 156—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian.

Read first time, and referred to Committee on Judiciary.

By Senator Boggs: Senate Bill No. 157—An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses incident and relating thereto, and provide for managing the same for the transfer of prisoners thereto and government of the inmates thereof.

Read first time, and referred to Committee on Prisons and Prison Buildings.

By Senator Taylor: Senate Bill No. 158—An Act relating to the sale of cigarettes, requiring all persons who sell cigarettes at retail to obtain a license and pay a license tax therefor, providing for the issuance of such license, and a penalty for violating the provisions of the Act.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Curtin: Senate Bill No. 159—An Act to amend an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Read first time, and referred to Committee on Mines, Drainage, and Débris.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 11, 1899.

MR. PRESIDENT: Your Committee on Inaugural Ceremonies, to whom was referred the conduct of such ceremonies, beg leave to report that they, in conjunction with the Assembly committee, have approved bills therefor aggregating \$919: that two bills, one for \$41 50, and one for \$248 45, are being adjusted. The total expenses, as we are advised, cannot exceed \$1208 95, and we believe will be less.

Some of the bills, particularly for labor, are urgent, and we recommend that the Senate pay at once \$500 on account of its one half of the total expenses.

DICKINSON, Chairman.

RESOLUTIONS—(OUT OF ORDER).

Senator Dickinson offered the following resolution, and moved a suspension of the rules for its consideration:

Resolved, That the Committee on Inaugural Ceremonies be and they are hereby authorized to draw on account of the following resolution the sum of five hundred dollars. And the Controller of State is requested to draw his warrant for the said five hundred dollars in favor of J. H. Dickinson, as chairman of Committee on Inaugural Ceremonies, and the Treasurer is directed to pay the same.

SENATE CONCURRENT RESOLUTION NO. 1.

Resolved by the Senate, the Assembly concurring, That a committee of three members of the Senate be appointed to confer with a committee of four from the Assembly to make arrangements for the inaugural ceremonies. Said committee to be appointed by the President of the Senate and Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expenses to be paid equally by the Senate and the Assembly, and not to exceed in the aggregate the sum of twelve hundred and fifty (\$1,250) dollars.

Resolution read, rules suspended, and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Smith, Stratton, Taylor, and Trout—29.

NOES—None.

Senator Cutter offered the following resolution:

Resolved, That Louis E. W. Pioda, Pacific N. Trout, and Edward J. McManimon be elected statutory committee clerks of the Senate for the thirty-third session.

Resolution read, and adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—28.

NOES—None.

OATH OF OFFICE.

The persons named in the foregoing resolution then came forward and each signed the roll, and took and subscribed to the following oath of office:

I do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected in the thirty-third session of the Senate of the California Legislature, according to the best of my ability. So help me God.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report from a standing committee was received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, JANUARY 11, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolutions, viz:

Resolved, That the Secretary of State be and he is hereby instructed to purchase for the use of the Senate, and deliver to the Secretary thereof, forty-five copies of County Government Act in California, annotated by W. F. Henning, said copies to be paid for out of the Contingent Fund of the Senate.

Also:

Resolved, That the Controller of State be and he hereby is instructed to draw his warrant on the State Treasurer in favor of the Secretary of State for the sum of one hundred and thirty-five dollars (\$135), payable out of the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the said warrant; said war-

rant being in payment for Henning's Constitution of California, as per resolution of January 5, 1899.

Also:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to make any necessary changes in the locks of the desks of the members.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

Senator Smith moved that each resolution mentioned in the above report be considered separately.

So ordered.

The question being on the adoption of the first mentioned resolution.

The roll was called, and the same refused adoption by the following vote:

AYES—Senators Boyce, Flint, Morehouse, Simpson, and Stratton—5.

NOES—Senators Ashe, Bettman, Boggs, Braunhart, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Taylor, and Trout—27.

The question being on the adoption of the second mentioned resolution.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—32.

NOES—None.

The question being on the adoption of the third mentioned resolution.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Burnett, Currier, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Maggard, Morehouse, Smith, Stratton, and Taylor—18.

NOES—Senators Braunhart, Curtin, Laird, Leavitt, Luchsinger, Nutt, Pace, Shortridge, Simpson, Sims, and Trout—11.

RESOLUTION—(OUT OF ORDER).

Senator Dickinson offered the following resolution:

Resolved, That the Committee on Rules and Revision be and they are hereby requested to report to the Senate the Standing Rules for the thirty-third session.

Resolution read and adopted.

COMMUNICATION.

The following statement from the Sergeant-at-Arms of the Senate was received and read:

SACRAMENTO, January 11, 1899.

To the Senators of Republican Caucus:

SENATORS: I find, in checking up Senate furniture that was purchased for use of committees, in use as follows:

- 4 roller top desks, room 56, Code Commission.
- 1 roller top desk, Secretary of State, by Lindley.
- 3 roller top desks, room 58, Dr. Hatch, Lunacy Commission.
- 1 roller top desk, room 60, by stenographer.
- 1 roller top desk, room 60, by Charles Waymire.
- 1 revolving chair, Secretary of State, by Lindley.
- 1 revolving chair, room 60, by Seaman.
- 7 revolving chairs, room 56, Code Commission.
- 1 revolving chair, State Library, Miss Young.
- 4 revolving chairs, room 58, by Dr. Hatch, Lunacy Commission.

Respectfully,

J. LOUIS MARTIN.

MOTION.

On motion of Senator Simpson, the Sergeant-at-Arms of the Senate was empowered to take full charge of all personal property throughout the Capitol building belonging to the Senate.

ADJOURNMENT.

At five o'clock and forty minutes P. M., on motion of Senator Cutter, the Senate was declared adjourned until ten o'clock A. M. of Thursday, January 12, 1899.

IN SENATE.

SENATE CHAMBER,
Thursday, January 12, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boggs, Boyce, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe--39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING OF THE JOURNAL.

The Journal of Wednesday, January 11, 1899, was read.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were read:

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolutions:

That a message be sent to the Senate informing the Senate of the vote for United States Senator in this House taken this day, requesting the Senate to inform this House of the vote for United States Senator taken in the Senate, and informing the Senate that the Assembly will meet with the Senate in the Assembly Chamber tomorrow, Wednesday, January 11, 1899, at twelve o'clock noon, in Joint Assembly, for the purpose of electing, or declaring the election, of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

WHEREAS, It appears by message of the Senate that on this Tuesday, the 10th day of January, 1899, proceedings were had for the election of a United States Senator in Congress, in conformity to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874, and it appearing that no choice was had in the Senate; and

WHEREAS, Similar proceedings were had in the Assembly on said Tuesday, the 10th day of January, 1899, and that no choice was had in this House; therefore, be it

Resolved, That the Senate and Assembly do meet in Joint Assembly on Wednesday, 11th day of January, 1899, at twelve o'clock noon of said day, to choose a Senator in Congress for the term of six years, commencing on the 4th day of March, 1899; and be it further

Resolved, That these resolutions be communicated to the Senate by message.

Also:

Resolved, That a message be sent to the Senate informing the Senate of the vote for United States Senator in this House taken this day, requesting the Senate to inform this House of the vote for United States Senator, taken in the Senate, and informing the Senate that the Assembly will meet with the Senate in the Assembly Chamber, to-morrow, Wednesday, January 11, 1899, at 12 o'clock noon, in Joint Assembly, for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Whole number of votes cast.....	79
Necessary to a choice	40
W. H. L. Barnes received.....	5 votes.
R. N. Bulla received	9 votes.
D. M. Burns received.....	17 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	19 votes.
G. A. Knight received.....	2 votes.
Stephen M. White received.....	21 votes.
M. M. Estee received.....	2 votes.
Van R. Paterson received.....	2 votes.
Irving M. Scott received.....	1 vote.

C. W. KYLE, Chief Clerk of the Assembly.

MOTION.

On motion of Senator Smith, the Secretary of the Senate was instructed to inform the Assembly that the action suggested in its messages had already been taken by the Senate.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Senator Cutter: Senate Bill No. 160—An Act to provide for the classification of the roads in the State of California, and to define each class.

Read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 161—An Act to amend Section 2643 of the Political Code, relating to road tax and its apportionment among road districts.

Read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 162—An Act to amend Article IV, Section 2651, of the Political Code, relating to general road fund and highway taxes.

Read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 163—An Act to amend Section 2655 of the Political Code, relating to highway taxes to be expended in districts.

Read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 164—An Act to provide for the acceptance of highways of the first class by the State, and the maintenance of the same, and to make an appropriation therefor.

Read first time, and referred to Committee on Roads and Highways.

By Senator Dickinson: Senate Bill No. 165—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Curtin: Senate Bill No. 166—An Act to amend Section 2924 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, defining mortgages.

Read first time, and referred to Committee on Judiciary.

By Senator Langford: Senate Bill No. 167—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 168—An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns, within the State of California, and repealing conflicting Acts.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 169—An Act to provide for the appointment of State detectives; to establish their duties, and to provide for the payment of their salaries.

Read first time, and referred to Committee on Judiciary.

By Senator Nutt: Senate Bill No. 170—An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 171—An Act to amend Section 1 of an Act entitled "An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns," approved March 9, 1883.

Read first time, and referred to Committee on Judiciary.

By Senator Nutt: Senate Bill No. 172—An Act to amend an Act entitled "An Act to amend Section 103 of the Code of Civil Procedure of the State of California," approved March 31, 1891, relative to Justices' Courts.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 173—An Act amending Section 1042 of the Penal Code of the State of California, concerning the mode of trial in criminal cases.

Read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 174—An Act making an appropriation to pay the claim of Julius Herzog for injuries sustained while in the service of the National Guard of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Doty: Senate Bill No. 175—An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Brauhart: Senate Bill No. 176—An Act governing the transportation of the insane from the counties in which they have been

committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

Also: Senate Bill No. 177—An Act to add a new section to the Civil Code, to be known as Section 431 thereof, relating to the form of fire insurance policies.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 178—An Act to add a new section to the Political Code of California, to be known as Section 635 thereof, relating to the form of fire insurance policies.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 179—An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs by transportation companies in the State of California, and fixing a penalty for failure to comply thereto.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 180—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Read first time, and referred to Committee on Corporations.

By Senator Davis: Senate Bill No. 181—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Currier: Senate Bill No. 182—An Act authorizing cities and towns of the sixth class to obtain by purchase, donation, or devise, lands for cemetery purposes; and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

Read first time, and referred to Committee on Municipal Corporations.

REINTRODUCTION OF BILL.

Senator Langford reintroduced Senate Bill No. 92, withdrawn for correction, by permission of the Senate, on yesterday:

Senate Bill No. 92—An Act appointing Thomas M. Mosler, John Mullan, and James W. Shanklin agents of this State to collect from the United States all moneys by her advanced and paid for the benefit of the United States in connection with the volunteers of this State mustered into the military service of the United States during the Rebellion, including all expenses incurred by this State, and allowing compensation therefor in the event of success.

Read first time, and referred to Committee on Judiciary.

RESOLUTIONS.

Senator Shortridge offered the following resolution:

Resolved, That the Superintendent of State Printing be and he is hereby authorized

and directed to print out of order Senate Bill No. 153, upon the order of the Secretary of the Senate for the printing of same.

Resolution read and adopted.

By Senator Cutter:

Resolved, That the Secretary of the Senate be and he is hereby authorized to appoint an assistant at the desk, at a per diem of five dollars, payable out of the Contingent Fund of the Senate; said appointment to hold good until the further order of the Senate.

Resolution read and adopted by the following vote:

AYES—Senators Ashe, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

The Secretary of the Senate appointed, in conformity with the above resolution, Amos Stevens an assistant at the desk. Mr. Stevens came forward and signed the roll and took and subscribed to the following oath of office:

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected in the thirty-third session of the Senate of the California Legislature, according to the best of my ability. So help me God.

RECESS.

At ten o'clock and thirty minutes A. M., on motion of Senator Simpson, a recess was declared until eleven o'clock and forty-five minutes A. M. of this day.

REASSEMBLED.

At eleven o'clock and fifty minutes A. M., the Senate reassembled.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boggs, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report from a standing committee was received and read:

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 12, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following:

Resolved, That the Lieutenant-Governor is hereby authorized to increase the Finance; Commerce, Harbors, Rivers, and Coast Defenses, and Military Committees, by appointing two additional members on each of the above-named committees.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BETTMAN, Chairman.

Report of committee and resolution adopted.

RESOLUTION.

Senator Burnett offered the following resolution:

Resolved, That Senate Joint Resolution No. 4, made a special order for this day, be made a special order for to-morrow immediately after the reading of the Journal.

Resolution read and adopted.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Stephen M. White, had arrived, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 12, 1899. }

At twelve o'clock M., the Joint Assembly met, pursuant to adjournment. Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

The Joint Assembly was called to order by the President pro tem. of the Senate, who thereupon directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—40.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowly, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—80.

Quorum of Joint Assembly present.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of yesterday.

The same was read and approved.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, January 11, 1899, resulted in no election of a United States Senator, and declared that an election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being

called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For G. A. Knight—Senator Gillette—1.
For J. H. Seawell—Senators Braunhart and Hall—2.
For Frank R. Wehe—Senator Prisk—1.
For Van R. Paterson—Senator Taylor—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For J. Rosenfeld—Senator Feeney—1.
For M. F. Tarpey—Senators Ashe, Boggs, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, and Sims—10.

Whole number of votes cast by Senators	39
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
G. A. Knight received	1 vote.
J. H. Seawell received	2 votes.
Frank R. Wehe received	1 vote.
M. F. Tarpey received	10 votes.
Van R. Paterson received	1 vote.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
J. Rosenfeld received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for a Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cospser, Huber, Melick, Miller of Los Angeles, Robinson, and Valentine—8.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.
For C. N. Felton—Messrs. Brown and Marvin—2.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.
For G. A. Knight—Mr. Boynton—1.
For M. M. Estee—Messrs. Anderson and Wade—2.
For Van R. Paterson—Mr. La Bree—1.
For Irving M. Scott—Mr. Dunlap—1.
For M. F. Tarpey—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowly, Fairweather, Feliz, Glenn, Griffin, Hanley, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—20.
For W. P. Lawler—Mr. Hoey—1.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	6 votes.
R. N. Bulla received	8 votes.
D. M. Burns received	19 votes.
C. N. Felton received	2 votes.
U. S. Grant, Jr., received	19 votes.
G. A. Knight received	1 vote.
Van R. Paterson received	1 vote.
M. M. Estee received	2 votes.
Irving M. Scott received	1 vote.
M. F. Tarpey received	20 votes.
W. P. Lawler received	1 vote.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	119
Necessary to a choice.....	60
W. H. L. Barnes received.....	10 votes.
R. N. Bulla received.....	10 votes.
D. M. Burns received.....	26 votes.
C. N. Felton received.....	2 votes.
U. S. Grant, Jr., received.....	26 votes.
G. A. Knight received.....	2 votes.
Van R. Paterson received.....	2 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	2 votes.
J. Rosenfeld received.....	1 vote.
M. M. Estee received.....	2 votes.
J. H. Seawell received.....	2 votes.
Frank R. Webe received.....	1 vote.
M. F. Tarpey received.....	30 votes.
W. P. Lawler received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION.

Senator Cutter moved that the Joint Assembly proceed to take another ballot for a Senator in Congress.

Motion carried.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for a Senator in Congress.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For G. A. Knight—Senator Gillette—1.
For Van R. Paterson—Senator Taylor—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For J. Rosenfeld—Senators Feeney and Hall—2.
For W. H. Alford—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators.....	39
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
G. A. Knight received.....	1 vote.
Van R. Paterson received.....	1 vote.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
J. Rosenfeld received.....	2 votes.
W. H. Alford received.....	12 votes.

The Speaker of the Asssmbly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for a Senator in Congress.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For C. N. Felton—Messrs. Brown and Marvin—2.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, I. E. Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For G. A. Knight—Mr. Boynton—1.

For M. M. Estee—Messrs. Anderson and Wade—2.

For Van R. Paterson—Mr. La Barea—1.

For Irving M. Scott—Mr. Dunlap—1.

For W. H. Alford—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—21.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	6 votes.
R. N. Bulla received	7 votes.
D. M. Burns received	19 votes.
C. N. Felton received	2 votes.
U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
M. M. Estee received	2 votes.
Van R. Paterson received	1 vote.
Irving M. Scott received	1 vote.
W. H. Alford received	21 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	119
Necessary to a choice	60
W. H. L. Barnes received	10 votes.
R. N. Bulla received	9 votes.
D. M. Burns received	26 votes.
C. N. Felton received	2 votes.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
M. M. Estee received	2 votes.
Van R. Paterson received	2 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
J. Rosenfeld received	2 votes.
W. H. Alford received	33 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION TO ADJOURN.

Assemblyman Dibble moved that the Joint Assembly do now adjourn.

On the question of adjournment the roll call was demanded.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Ashe Bettman, Boggs, Burnett, Dickinson, Feeney, Hall, Hoey, Laird, Langford, Leavitt, Prisk, and Rowell—13.

NOES—Senators Boyce, Brauhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Anderson, Arnerich, Barry, Beecher, Burnett, Clough, Cobb, Cosper, Crowley, Devoto, Dibble, Henry, Kenneally, Knights, Lundquist, Merrill, Miller of San Francisco, Pierce, Eugene Sullivan, Wade, and Wardell—21.

NOES.—Messrs. Atherton, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Caminetti, Cargill, Chynoweth, Clark, Conrey, Cowan, Crowder, Dale, De Lancie, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Knowland, La Bree, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, Muentner, O'Brien, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, E. D. Sullivan, Valentine, White, Works, and Mr. Speaker—59.

Upon the completion of the roll call the Speaker of the Assembly announced the result, and declared that the Joint Assembly had refused to adjourn.

MOTION.

Senator Cutter moved that the Joint Assembly proceed to take another ballot for Senator in Congress.

Motion carried.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Curtin, Jones, Maggard, Nutt, Smith, and Trout—7.
For G. A. Knight—Senator Gillette—1.
For Van R. Paterson—Senator Taylor—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For J. Rosenfeld—Senator Feeney—1.
For J. H. Seawell—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, La Rue, Pace, Frisk, and Sims—12.

Whole number of votes cast by Senators.....	38
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
G. A. Knight received.....	1 vote.
Van R. Paterson received.....	1 vote.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
J. Rosenfeld received.....	1 vote.
J. H. Seawell received.....	12 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.
For C. N. Felton—Messrs. Brown and Marvin—2.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.
For G. A. Knight—Mr. Boynton—1.
For M. M. Estee—Messrs. Anderson and Wade—2.
For Van R. Paterson—Messrs. Dunlap and La Bree—2.

For J. H. Seawell—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—21.

Whole number of votes cast by Assemblymen.....	80
W. H. L. Barnes received.....	6 votes.
R. N. Bulla received.....	7 votes.
D. M. Burns received.....	19 votes.
C. N. Felton received.....	2 votes.
U. S. Grant, Jr., received.....	20 votes.
G. A. Knight received.....	1 vote.
Van R. Paterson received.....	2 votes.
J. H. Seawell received.....	21 votes.
M. M. Estee received.....	2 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	118
Necessary to a choice.....	60
W. H. L. Barnes received.....	10 votes.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	26 votes.
C. N. Felton received.....	2 votes.
U. S. Grant, Jr., received.....	27 votes.
G. A. Knight received.....	2 votes.
Van R. Paterson received.....	2 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	2 votes.
J. Rosenfeld received.....	1 vote.
M. M. Estee received.....	2 votes.
J. H. Seawell received.....	33 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At one o'clock and thirty-five minutes P. M., Assemblyman Wade moved to adjourn.

On the question of adjournment the roll call was demanded.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Bettman, Bulla, Burnett, Currier, Dickinson, Feeney, Gillette, Hall, Hoey, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Taylor, and Wolfe—19.

NOES—Senators Ashe, Boyce, Braunhart, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Jones, La Rue, Nutt, Pace, Sims, Smith, Stratton, and Trout—18.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Anderson, Atherton, Barry, Beecher, Belshaw, Bliss, Boynton, Brown, Burnett, Caminetti, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Crowley, Devoto, Dibble, Fairweather, Henry, Huber, Jilson, Kelley, Kelsey, Kenneally, Knowland, La Bree, Lardner, Lundquist, Marvin, McDonald of Alameda, McKeen, Melick, Merrill, Miller of Los Angeles, Miller of San Francisco, Pierce, Rickard, Robinson, Sanford, Eugene Sullivan, Valentine, Wade, Wardell, and Mr. Speaker—46.

NOES—Messrs. Arnerich, Blood, Boone, Brooke, Cargill, Cowan, Crowder, Dale, De Lancie, Dunlap, Feliz, Glenn, Greenwell, Griffin, Hanley, Hoey, Johnson, Knights, Le Baron, Mack, McDonald of Tuolumne, Mead, Merritt, Meserve, Milice, Muentner, O'Brien, Radcliff, Raub, Raw, E. D. Sullivan, and Works—32.

The Speaker of the Assembly announced the result, and thereupon declared the Joint Assembly adjourned until twelve o'clock M. of Friday, January 13, 1899.

IN SENATE.

REASSEMBLED.

At one o'clock and forty minutes P. M., the Senate reassembled, Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

MOTIONS.

At one o'clock and fifty-five minutes P. M., Senator Sims moved to take a recess until three o'clock P. M. of this day.

Senator Smith moved, as an amendment, that the Senate adjourn.

ROLL CALL.

On the motion as amended the roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Feeney, Hall, Hoey, Laird, La Rue, Leavitt, Morehouse, Shortridge, Simpson, Smith, and Wolfe—20.

NOES—Senators Braunhart, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Jones, Luchsinger, Maggard, Nutt, Rowell, Sims, Taylor, and Trout—15.

ADJOURNMENT.

Whereupon the President pro tem. declared the Senate adjourned until ten o'clock A. M. of Friday, January 13, 1899.

IN SENATE.

SENATE CHAMBER,
Friday, January 13, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 12, 1899, its further reading was dispensed with, on motion of Senator Burnett.

APPROVAL OF JOURNAL.

The Journal of Tuesday, January 10, 1899, having been previously read, was approved.

SPECIAL ORDER.

Senate Joint Resolution No. 5—Relative to pensioning survivors of Indian wars, etc.—set as a special order for consideration at this hour, was ordered on file.

APPOINTMENT OF ADDITIONAL COMMITTEEMEN.

The President announced that, in compliance with the resolution increasing the membership of certain committees adopted on a previous day, he appointed as such additional members the following:

Senators Leavitt and Sims on the Committee on Finance and Claims.

Senators Leavitt and Sims on the Committee on Commerce, Harbors, Rivers, and Coast Defenses.

Senators Dickinson and Simpson on the Committee on Military Affairs.

Senator Bettman on the Committee on Corporations.

REGULAR ORDER OF BUSINESS.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 13, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision respectfully report that they have had the matter of Standing Rules of the Senate under consideration, and recommend that the following be adopted as such Standing Rules:

STANDING RULES OF THE SENATE.

I.—TIME OF MEETING OF SENATE.

The sessions of the Senate shall be daily (Sundays excepted), beginning at 10 o'clock A. M. Until Monday, January 30, 1899, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be given at said hour to two o'clock P. M., unless otherwise ordered by vote of the Senate.

II.—CALLING TO ORDER—READING JOURNAL.

The President shall call the Senate to order at the hour stated, and, if a quorum be present, the Journal of the proceedings of the preceding day shall be read, unless otherwise ordered by vote of the Senate.

III.—ORDER OF BUSINESS.

1. Roll call.
2. Prayer by the Chaplain.
3. Reading and approving of the Journal of the preceding day.
4. Presentation of Petitions.
5. Motions, Resolutions, and Notices.
6. Reports of Standing Committees.
7. Reports of Select Committees.
8. Messages from the Assembly.
9. Introduction and First Reading of Bills.
10. Consideration of Daily File.
11. Unfinished Business.
12. Special Orders of the Day.

13. Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order: *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

IV.—PRESIDENT PRO TEM.—HIS POWERS AND PRIVILEGES.

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

V.—THE DUTIES OF SECRETARY.

1. It shall be the duty of the Secretary of the Senate to attend every day, call the roll, read all bills, amendments, resolutions, and all papers handed to him for that purpose by any member.

2. To superintend all copying and work necessary to be done for the Senate. To have supervision over all officers and employes of the Senate, other than the President of the Senate. To certify to, and transmit to the Assembly, all bills, resolutions, and other papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly on the concurrence or disagreement by the Senate in any vote of the Assembly.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the Assistant Secretaries, and other officers, the duties pertaining to their offices.

VI.—ATTENDANCE, DUTIES, AND OBLIGATIONS OF SENATORS.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President, or acting President, of the Senate, or less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

VII.—READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

VIII.—SENATORS MUST ADDRESS THE PRESIDENT.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down.

No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation), so long as any Senator who has not spoken shall desire to do so.

IX.—THE SENATORS ENTITLED TO FLOOR.

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

X.—PRINTING.

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator, and a number equal to the committee to which such bill is referred, and the balance shall be distributed according to law.

XI.—NUMBER OF COPIES TO BE PRINTED.

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

XII.—EXECUTIVE SESSION.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

XIII.—PRINTING THE DAILY JOURNAL.

The Superintendent of State Printing shall print five hundred copies of the Journal of every day's proceedings of the Senate to supply Senators and Assemblymen daily, during the session, with the Journal of the previous day's proceedings; and, also, a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

XIV.—COMMITTEES—WHEN TO REPORT.

All committees of the Senate shall report their action on all bills referred to them before January 25th within ten days, except that all bills referred to them on and after January 25th shall be reported within five days, unless otherwise specially ordered, and when such extension of time is ordered, the Senate shall state the length of time, and the Secretary shall make record of the same in a book kept for that purpose.

XV.—BILLS "PASSED ON FILE" PLACED AT FOOT OF FILE.

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate by reason of the absence of the author.

XVI.—STANDING COMMITTEES, QUORUM OF—WHAT CONSTITUTES.

The standing committees shall determine the number of such committees which shall constitute a quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

XVII.—AUTHOR TO SPEAK LAST.

The author of a bill, motion, or resolution shall have the privilege of closing the debate.

XVIII.—FORM OF PREVIOUS QUESTION—CALL OF SENATE.

The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, upon division; and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

XIX.—ORDER OF QUESTIONS ON MOTION TO REFER.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

XX.—ORDER OF ENGROSSING AND ENROLLING BILLS.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by, and receipt from, the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate, in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

XXI.—PRINTING FOR THE SENATE.

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary.

The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business under a specially prepared written order, to be known as a "Rush Order."

XXII.—PETITIONS.

Every vote and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall be entered on the Journal.

VXIII.—NO RECORDS OR PAPERS TO BE TAKEN FROM DESK.

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper, to be printed, to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Enrolled and Engrossed Bills, and take their receipt therefor.

XXIV.—APPOINTMENT OF COMMITTEES.

All standing committees of the Senate shall be named by the President of the Senate, unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

XXV.—ASSEMBLY BILLS TO BE READ FIRST TIME.

All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee.

XXVI.—OATHS AND AFFIRMATIONS.

The oaths and affirmations required by the Constitution, and prescribed by law, shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

XXVII.—RESOLUTIONS.

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

XXVIII.—SPECIAL ORDERS.

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate, unless there is unfinished business of the preceding day; and if it is not finally disposed of on that day, is to take its place on the file of special orders in the order of time at which it was made special, unless it become, by adjournment, the unfinished business.

XXIX.—VOTING.

When a Senator declines to vote, on a call of his name, he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

XXX.—RECONSIDERATION.

When a bill, resolution, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be accompanied by a motion to request the Assembly to return the same, which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

XXXI.—NOTICE OF RECONSIDERATION.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

XXXII.—SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.

If a Senator give notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been ordered transmitted to the Assembly.

XXXIII.—MOTION TO RECONSIDER MAY BE DEBATED.

A Senator, after a notice of motion to reconsider is given, as provided in Rule XXXI, may, at the time of consideration of such motion, present the main question in his argument thereon, and the same may be debated by the Senate.

XXXIV.—REFERENCE OF BILLS TO FINANCE COMMITTEE.

All bills, or resolutions, appropriating money from any fund within the control of the State, shall be referred to the Committee on Finance and Claims before being read the second time.

XXXV.—STANDING COMMITTEES.

The following standing committees shall be appointed by the President of the Senate:

1. Farming, Dairying, and Manufacturing Interests; seven members.
2. Attachés, Contingent Expenses, and Mileage; three members.
3. Banks and Banking; five members.
4. Municipal Corporations; nine members.
5. Commerce, Harbors, and Rivers; nine members.
6. Corporations; eleven members.
7. County Government and Township Organization; seven members.
8. Education and Public Morals; five members.
9. Elections; seven members.
10. Enrolled and Engrossed Bills; three members.
11. Federal Relations and Immigration; three members.
12. Finance and Claims; thirteen members.
13. Forestry, Fish, and Game; five members.
14. Hospitals, Health, and Quarantine; five members.
15. Irrigation and Water Rights; nine members.
16. Judiciary; sixteen members.
17. Labor and Capital; five members.
18. Mines, Drainage, and Débris; five members.
19. Military Affairs; seven members.
20. Public Buildings other than Prison Buildings; eleven members.
21. Public Printing and State Library; five members.
22. Public and Swamp and Overflowed Lands; five members.
23. Roads and Highways; seven members.
24. Rules and Revision; three members.
25. State Prisons and Prison Buildings; seven members.
26. Executive Communications and Nominations; three members.

XXXVI.—AMENDMENTS TO ORIGINAL QUESTION.

An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contain several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

XXXVII.—ENGROSSED BILLS TO BE EXAMINED AND REPORTED.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

XXXVIII.—ENGROSSED BILLS HAVE PREFERENCE.

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

XXXIX.—AMENDMENTS AND SUBSTITUTES.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

XL.—AMENDMENTS AND SUBSTITUTES MUST BE GERMANE.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

XLI.—LEAST SUM AND SHORTEST TIME IN FILLING BLANKS.

In filling up blanks, the least sum or number and the shortest time shall be put first.

XLII.—SHORT OF FINAL QUESTION, TWO-THIRDS VOTE NOT REQUISITE ON PROPOSITIONS TO AMEND CONSTITUTION.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question

XLIII.—LEAVE OF ABSENCE.

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expenses or mileage of attachés shall be allowed.

XLIV.—CLAIMS ON CONTINGENT FUND MUST GO TO THE COMMITTEE ON CONTINGENT EXPENSES.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

XLV.—ORDER OF PRIVILEGED QUESTIONS UNDER DEBATE.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

XLVI.—MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

XLVII.—SENATOR WHEN CALLED TO ORDER MUST SIT DOWN.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

XLVIII.—FINAL QUESTION ON SECOND READING OF BILL—NO AMENDMENT ON THIRD READING, BUT MAY COMMIT.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read the third time?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

XLIX.—AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair.

L.—INTRODUCTION AND READING OF BILLS.

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized, shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator have objected to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

LI.—THE GENERAL FILE; ITS HOURS—SPECIAL ORDER OF BILLS ON FILE.

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

LII.—TITLES OF BILLS MUST BE IN JOURNAL.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

LIII.—WHEN NOT IN COMMITTEE OF THE WHOLE, PROCEEDINGS MUST BE ENTERED IN JOURNAL.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

LIV.—RULES IN SENATE AND COMMITTEE OF THE WHOLE.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

LV.—CASES NOT PROVIDED FOR, "CUSHING" TO GOVERN.

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

LVI.—SUSPENDING AND CHANGING RULES.

No standing rule or order of the Senate shall be rescinded or changed without a vote of three fifths, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule LII relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules without debate.

LVII.—POWERS AND PREROGATIVES OF PRESIDENT.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

LVIII.—PRESIDENT MAY ORDER LOBBIES CLEARED.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

LIX.—PRESIDENT MAY CALL SENATORS TO THE CHAIR.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested during such time with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

LX.—SERGEANT-AT-ARMS.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and the traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage to Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

LXI.—MESSENGERS—WHEN INTRODUCED.

Messengers are introduced in any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

LXII.—DOORKEEPER.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President, or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

LXIII.—EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

When executive communications or nominations shall be sent by the Governor to

the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications and Nominations, unless otherwise ordered by the Senate, which motion shall be determined without debate.

LXIV.—PRINTED BILLS, ETC., MUST BE PLACED ON DESKS.

All bills, joint and concurrent resolutions, when printed, must be placed on the desks of Senators at least one hour previous to the opening of session.

LXV.—SAN FRANCISCO DELEGATION.

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation, and the member senior in service in the Senate shall be the chairman thereof.

Your committee further respectfully recommend that a committee of three from the Senate be appointed to confer with a like committee of three from the Assembly for the purpose of determining upon and reporting the Joint Rules of the Senate and Assembly for the present term.

BETTMAN, Chairman.

On motion of Senator Bettman, the report of the committee was ordered printed in full in the Journal, and its consideration made a special order for Saturday, January 14, 1899, at ten o'clock A. M.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 13, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred Senate Bill No. 153—An Act entitled "An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature"—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be empowered and he is hereby authorized to purchase such furniture and supplies as may be needed in the Senate and committee rooms, the bills for the same to be approved by the Committee on Finance, and by the Senate, before any liability shall attach to the State.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Senator Cutter asked for the consent of the Senate to withdraw Senate Bill No. 153.

On motion of Senator Bettman, unanimous consent to withdraw the bill was granted.

Senate Bill No. 153 withdrawn, and ordered stricken from the file.

The question being on the adoption of the resolution above reported.

The same was put, and the resolution adopted.

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 13, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 4—Relative to improvements of Humboldt Bay—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted with the accompanying committee amendment.

LEAVITT, Chairman.

Senate Joint Resolution No. 4 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Chapman: Senate Bill No. 183—An Act requiring the making and recording of maps of cities, towns, and additions to cities and towns, and subdivisions of lands into small lots, or tracts, for the purposes of sale, providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions

or additions thereto, before such maps are filed and recorded, and providing for the recording of maps now on file in Recorder's office.

Read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 184—An Act to pay the claim of Thomas Grace against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 185—An Act to pay the claim of Patrick Carroll against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 186—An Act to pay the claim of the Dutch Flat public school district, and the trustees thereof, against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 187—An Act to pay the claim of Mrs. J. Uren against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 188—An Act to pay the claim of the Methodist Episcopal Church of Dutch Flat, California, and the trustees thereof, against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 189—An Act to pay the claim of W. P. Sowden against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 190—An Act to pay the claim of Thomas Flaridon against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Sims: Senate Bill No. 191—An Act to authorize the purchase or condemnation of land for streets when less than the distance between two streets is required, and when the improvement to be effected thereby is not properly chargeable on a particular district.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Langford: Senate Bill No. 192—An Act to amend Section 312 of the Civil Code, relative to the election of directors of corporations.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 193—An Act to provide for the payment of interest at the statutory rate to every bona fide owner and holder of any unlocated or uncanceled school land warrant issued under the Act of the State of California, approved May 3, 1852, providing for the disposal of the five hundred thousand acres of land donated to the State of California by the Government of the United States, and to each and every person having owned and canceled any such warrant or warrants under the Act of March 23, 1893.

Read first time, and referred to Committee on Finance and Claims.

By Senator Davis: Senate Bill No. 194—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Stratton: Senate Bill No. 195—An Act to amend Section

142 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County Government and Township Organization.

Also: Senate Bill No. 196—An Act making an appropriation to pay the claim of Oliver R. Chapman, arising upon a judgment recovered against the State of California, in the Superior Court of the City and County of San Francisco, on August 8, 1895.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 197—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund.

Read first time, and referred to Committee on Finance and Claims.

By Senator Boyce: Senate Bill No. 198—An Act authorizing the Secretary of State to appoint an additional clerk, to be known as Janitor's Clerk, and providing for his salary for remainder of fiftieth fiscal year.

Read first time, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Cutter: Senate Bill No. 199—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employés of the Legislature.

Read first time, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Braunhart: Senate Bill No. 200—An Act providing for the selection, condemnation, and purchase of a suitable site, and the erection thereon of a State building, in San Francisco, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 201—An Act to amend Section 158 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and referred to Committee on County Government and Township Organization.

Also: Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 203—An Act to amend Section 377 of the Code of Civil Procedure, relating to actions for damages.

Read first time, and referred to Committee on Judiciary.

By Senator Prisk: Senate Bill No. 204—An Act to amend an Act entitled "An Act relating to the working, rights of way, easements, and drainage of mines in the State of California."

Read first time, and referred to Committee on Mines, Drainage, and Débris.

By Senator Morehouse: Senate Bill No. 205—An Act to amend an Act of the Legislature entitled "An Act concerning agricultural societies," approved March 12, 1859, and to organize agricultural societies formed under said Act, to borrow money and secure the payment of the same, or to sell property to pay the existing debts of said societies.

Read first time, and referred to Committee on Judiciary.

By Senator Flint: Senate Joint Resolution No. 7—Relating to false branding of food products.

Referred to Committee on Federal Relations and Immigration.

By Senator Nutt: Senate Joint Resolution No. 8—Relating to the irrigation of arid lands.

Referred to Committee on Federal Relations and Immigration.

MOTIONS, ETC.

On motion of Senator Dickinson, the Secretary was ordered to have printed, without delay, Senate Bill No. 199—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature—and upon return of bill it be referred to Committee on Attachés, Contingent Expenses, and Mileage.

RE-REFERENCE OF BILL.

On motion of Senator Taylor, Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace—was ordered withdrawn from the Committee on Judiciary and referred to the Committee on Municipal Corporations.

RECESS.

At ten o'clock and fifty minutes A. M., on motion of Senator Brauhart, a recess was declared until eleven o'clock and forty-five minutes A. M. of this day.

REASSEMBLED.

At eleven o'clock and fifty minutes A. M., the Senate reassembled. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolf—36.

Quorum present.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Stephen M. White, had arrived, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER, }
Friday, January 13, 1899. }

The hour of twelve o'clock meridian having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe.—40.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Barnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—80.

Quorum of the Joint Assembly present.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of yesterday.

The same was read and approved.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, January 12, 1899, resulted in no election of a United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier and Simpson—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For G. A. Knight—Senator Gillette—1.

For James G. Maguire—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—12.

For Van R. Paterson—Senator Taylor—1.

For John Rosenfeld—Senators Feeney and Hall—2.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Irving M. Scott—Senator Davis—1.

Whole number of votes cast by Senators.....	39
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
G. A. Knight received.....	1 vote.
James G. Maguire received.....	12 votes.
Van R. Paterson received.....	1 vote.
John Rosenfeld received.....	2 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.

For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For C. N. Felton—Messrs. Brown and Marvin—2.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For G. A. Knight—Mr. Boynton—1.

For M. M. Estee—Messrs. Anderson and Wade—2.

For Van R. Paterson—Mr. La Barea—1.

For Irving M. Scott—Mr. Dunlap—1.

For James G. Maguire—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, and Wardell—20.

For James F. Smith—Mr. White—1.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	6 votes.
R. N. Bulla received	7 votes.
D. M. Burns received	19 votes.
C. N. Felton received	2 votes.
U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
M. M. Estee received	2 votes.
Van R. Paterson received	1 vote.
Irving M. Scott received	1 vote.
James G. Maguire received	20 votes.
James F. Smith received	1 vote.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	119
Necessary to a choice	60
W. H. L. Barnes received	10 votes.
R. N. Bulla received	9 votes.
D. M. Burns received	26 votes.
C. N. Felton received	2 votes.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
James G. Maguire received	32 votes.
Van R. Paterson received	2 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
M. M. Estee received	2 votes.
J. Rosenfeld received	2 votes.
James F. Smith received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

Senator Cutter moved that the Joint Assembly proceed to take another ballot for Senator in Congress.

Motion carried.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For *R. N. Bulla*—Senators Currier and Simpson—2.

For *D. M. Burns*—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For *U. S. Grant, Jr.*—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For *G. A. Knight*—Senator Gillette—1.

For *James F. Smith*—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—13.

For *Van R. Paterson*—Senator Taylor—1.

For *Thomas R. Bard*—Senators Flint and Rowell—2.

For *Irving M. Scott*—Senator Davis—1.

For *John Rosenfeld*—Senator Feeney—1.

Whole number of votes cast by Senators.....	39
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
G. A. Knight received.....	1 vote.
James F. Smith received.....	13 votes.
Van R. Paterson received.....	1 vote.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress.

The roll was called, with the following result:

For *W. H. L. Barnes*—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.

For *R. N. Bulla*—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For *D. M. Burns*—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For *C. N. Felton*—Messrs. Brown and Marvin—2.

For *U. S. Grant, Jr.*—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For *G. A. Knight*—Mr. Boynton—1.

For *M. M. Estee*—Messrs. Anderson and Wade—2.

For *Van R. Paterson*—Mr. La Barea—1.

For *Irving M. Scott*—Mr. Dunlap—1.

For *James F. Smith*—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—21.

Whole number of votes cast by Assemblymen.....	80
W. H. L. Barnes received.....	6 votes.
R. N. Bulla received.....	7 votes.
D. M. Burns received.....	19 votes.
C. N. Felton received.....	2 votes.
U. S. Grant, Jr., received.....	20 votes.
G. A. Knight received.....	1 vote.
M. M. Estee received.....	2 votes.
Van R. Paterson received.....	1 vote.
Irving M. Scott received.....	1 vote.
James F. Smith received.....	21 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	119
Necessary to a choice.....	60
W. H. L. Barnes received.....	10 votes.
M. M. Estee received.....	2 votes.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	26 votes.
C. N. Felton received.....	2 votes.

U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	2 votes.
Van R. Paterson received	2 votes.
James F. Smith received	34 votes.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For G. A. Knight—Senator Gillette—1.
For Irving M. Scott—Senator Davis—1.
For Van R. Paterson—Senator Taylor—1.
For A. Caminetti—Senators Ashe, Boggs, Brauhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—13.
For John Rosenfeld—Senator Feeney—1.
For Thomas R. Bard—Senators Flint and Rowell—2.

Whole number of votes cast by Senators.	39
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
A. Caminetti received	13 votes.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.
For C. N. Felton—Messrs. Brown and Marvin—2.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.
For G. A. Knight—Mr. Boynton—1.
For M. M. Estee—Messrs. Anderson and Wade—2.
For Van R. Paterson—Mr. La Baree—1.
For Irving M. Scott—Mr. Dunlap—1.
For A. Caminetti—Messrs. Boone, Brooke, Burnett, Cowan, Crowly, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—20.
For John Boggs—Mr. Caminetti—1.

Whole number of votes cast by Assemblymen.....	80
W. H. L. Barnes received.....	6 votes.
R. N. Bulla received.....	7 votes.
D. M. Burns received.....	19 votes.
C. N. Felton received.....	2 votes.
U. S. Grant, Jr., received.....	20 votes.
G. A. Knight received.....	1 vote.
M. M. Estee received.....	2 votes.
Van R. Paterson received.....	1 vote.
Irving M. Scott received.....	1 vote.
A. Caminetti received.....	20 votes.
John Boggs received.....	1 vote.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	119
Necessary to a choice.....	60
W. H. L. Barnes received.....	10 votes.
M. M. Estee received.....	2 votes.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	26 votes.
C. N. Felton received.....	2 votes.
U. S. Grant, Jr., received.....	27 votes.
G. A. Knight received.....	2 votes.
Irving M. Scott received.....	2 votes.
Van R. Paterson received.....	2 votes.
A. Caminetti received.....	33 votes.
John Rosenfeld received.....	1 vote.
Thomas R. Bard received.....	2 votes.
John Boggs received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with following result:

- For *W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For *R. N. Bulla*—Senators Currier and Simpson—2.
For *D. M. Burns*—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For *U. S. Grant, Jr.*—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For *G. A. Knight*—Senator Gillette—1.
For *Irving M. Scott*—Senator Davis—1.
For *Van R. Paterson*—Senator Taylor—1.
For *Marion DeVries*—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Frisk, and Sims—13.
For *John Rosenfeld*—Senator Feeney—1.
For *Thomas R. Bard*—Senators Flint and Rowell—2.

Whole number of votes cast by Senators.....	39
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
G. A. Knight received.....	1 vote.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	1 vote.
Marion De Vries received.....	13 votes.
John Rosenfeld received.....	1 vote.
Thomas R. Bard received.....	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly

to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.

For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For C. N. Felton—Messrs. Brown and Marvin—2.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For G. A. Knight—Mr. Boynton—1.

For M. M. Estee—Messrs. Anderson and Wade—2.

For Van R. Paterson—Mr. La Barea—1.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—21.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	6 votes.
R. N. Bulla received	7 votes
D. M. Burns received	19 votes.
C. N. Felton received	2 votes.
U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
M. M. Estee received	2 votes.
Van R. Paterson received	1 vote.
Irving M. Scott received	1 vote.
Marion De Vries received	21 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	119
Necessary to a choice	60
W. H. L. Barnes received	10 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	9 votes.
D. M. Burns received	26 votes.
C. N. Felton received	2 votes.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	2 votes.
Van R. Paterson received	2 votes.
Marion De Vries received	34 votes.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.

ADJOURNMENT.

At one o'clock and ten minutes P. M., Assemblyman McDonald of Alameda moved to adjourn.

On the question of adjournment, the roll call was demanded.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Bettman, Boggs, Boyce, Burnett, Currier, Cutter, Dickinson, Feeney, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Maggard, Morehouse, Nutt, Rowell, Smith, Taylor, Trout—21.

NOES—Senators Ashe, Braunhart, Bulla, Chapman, Curtin, Davis, Doty, Dwyer, Hall, Langford, La Rue, Luchsinger, Pace, Prisk, Shortridge, Simpson, Sims, Stratton, and Wolfe—19.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Anderson, Atherton, Barry, Beecher, Bliss, Boynton, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Conrey, Cowan, Crowder, Dale, De Lancia, Dunlap, Fairweather, Glenn, Greenwell, Griffin, Hanley, Hoey, Huber, Jilson, Kenneally, Knowland, La Barea, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Merrill, Merritt, Meserve, Miller of San Francisco, Pierce, Radcliff, Raub, Raw, Stewart, Eugene Sullivan, Wade, Works, and Mr. Speaker—48.

NOES—Messrs. Arnerich, Belshaw, Blood, Boone, Brooke, Cobb, Cosper, Crowley, Devoto, Dibble, Feliz, Henry, Johnson, Kelley, Kelsey, Knights, Lardner, Lundquist, Mack, Mead, Melick, Milice, Miller of Los Angeles, Muentner, O'Brien, Rickard, Robinson, Sanford, E. D. Sullivan, Valentine, Wardell, and White—32.

The Speaker of the Assembly announced the result, and thereupon declared the Joint Assembly adjourned until twelve o'clock meridian of Saturday, January 14, 1899.

IN SENATE.

RECONVENED.

At one o'clock and thirty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boggs, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Frisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

Quorum present.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Sims: Senate Bill No. 206—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children by the erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 208—An Act to provide additional accommodations for inmates at the California Home for the Care and Training of Feeble-Minded Children by the erection of cottages for epileptic, paralytic and feeble-minded persons, to appropriate money therefor, and to authorize the expenditure of the same.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 209—An Act to provide for the erection and

equipment of a commissary building at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Luchsinger: Senate Bill No. 211—An Act making an appropriation to pay the claim of Thomas Hatch.

Read first time, and referred to Committee on Finance and Claims.

By Senator Wolfe: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend the Constitution of the State by adding to Article XIII thereof a section in relation to the exemption from taxation of churches and chapels, and the real property on which they are situated, said new section to be inserted after Section 1 of said Article XIII, and to be designated as Section 1½ of said article.

Read first time, and referred to Committee on Judiciary.

RESOLUTION.

Senator Cutter offered the following resolution:

Resolved, That the sum of five hundred dollars (\$500), or so much thereof as may be necessary, be and the same is hereby appropriated from the Contingent Fund of the Senate, for the purpose of furnishing the office of the Lieutenant-Governor in the State Capitol building. That the Controller of State be and he is hereby authorized to draw his warrant in favor of the Secretary of the Senate for so much thereof of the said five hundred dollars as may be used in furnishing said room, and for which vouchers may be presented.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

ADJOURNMENT.

At one o'clock and thirty minutes P. M., on motion of Senator Prisk, the Senate was declared adjourned until ten o'clock A. M. of Saturday, January 14, 1899.

IN SENATE.

SENATE CHAMBER,
Saturday, January 14, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 13, 1899, its further reading was dispensed with, on motion of Senator Bettman.

APPROVAL OF JOURNAL.

The Journal of Wednesday, January 11, 1899, having been previously read, was approved.

LEAVE OF ABSENCE.

Senator Stratton was granted a leave of absence for the day, on motion of Senator Taylor.

SPECIAL ORDER.

The hour of ten o'clock A. M. having arrived, the special order—consideration of committee report on Standing Rules—heretofore set for this hour, was taken up for consideration.

SPECIAL ORDER RE-SET.

On motion of Senator Smith, the consideration of the report of the Committee on Rules and Revision was re-set as a special order for Monday, January 16, 1899, immediately after reading of the Journal.

PRESENTATION OF PETITION.

The following petition was presented by Senator Maggard:

To the Senate and Assembly of the State of California:

At a meeting of the members of the congregation of the Presbyterian Church of Chico, Butte County, California, called December 25, 1898, for the purpose, do petition and respectfully ask your honorable body to enact a Sabbath law that will secure the necessary weekly rest to all classes of weary toilers.

In witness whereof the session of the said church do hereunto sign their names.

A. H. CREWS.
H. N. GUSTIN.
J. D. STEWART.

Referred to Committee on Education and Public Morals.

REPORT OF STANDING COMMITTEE.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 14, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims beg leave to report that they recommend the purchase by the Sergeant-at-Arms of 3 small desks, 1 large desk, 4 tables 10 feet long, 3 dozen arm-chairs, 1 dozen cuspidors, 1 tool and ice-box, and one washstand complete. All for the use of the Senate and its committees.

Also: Recommend the adoption of the following resolution—the Secretary of State having requested the adoption thereof except as to amounts:

Resolved, That requisitions on the Secretary of State for stationery be limited to

\$30 each for the Committees on Finance and Judiciary, and \$10 each for all other standing committees, all requisitions to be signed by the chairman of the committee; DICKINSON, Chairman.

Resolution adopted.

On motion of Senator Dickinson, the Sergeant-at-Arms was authorized to make the purchases recommended in above committee report.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following: Assembly Joint Resolution No. 2—Relative to appropriation by Congress for San Luis breakwater.

Also: Assembly Concurrent Resolution No. 10—Relative to furniture for use of Commission for the Reform and Revision of the Law.

C. W. KYLE, Chief Clerk.

SUSPENSION OF RULES.

On motion of Senator Smith, the rules were suspended and Assembly Joint Resolution No. 2 and Assembly Concurrent Resolution No. 10 were taken up for final action.

ASSEMBLY JOINT RESOLUTION NO. 2.

WHEREAS, The growing importance of the commerce of the Pacific Coast demands the development of our various harbors; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to use all honorable means to secure a sufficient appropriation to complete the Port San Luis Breakwater without further delay;

Resolved further, That the Chief Clerk of the Assembly be instructed to transmit by mail a copy of these resolutions to each of our Senators and Representatives in Congress,

Resolution read.

The roll was called, and Assembly Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—34.

NOES—None.

ASSEMBLY CONCURRENT RESOLUTION NO. 10.

Resolved by the Assembly, the Senate concurring, That the Commission for the Reform and Revision of the Law be permitted to retain one desk for the use of said commission.

Resolution read.

The roll was called, and Assembly Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Doty, Feeney, Flint, Gillette, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—33.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following: Assembly Concurrent Resolution No. 11—Relative to

the right of conservation and appropriation of the waters of the streams of the State for the purposes of irrigation.

Also: Assembly Joint Resolution No. 3—Relative to the construction of a jetty at the mouth of San Diego Bay.

C. W. KYLE, Chief Clerk.

Assembly Concurrent Resolution No. 11 referred to Committee on Federal Relations and Immigration.

SUSPENSION OF RULES.

On motion of Senator Nutt, the rules were suspended and Assembly Joint Resolution No. 3 taken up for final action.

ASSEMBLY JOINT RESOLUTION No. 3.

WHEREAS, The United States Government has expended a large sum of money in the partial construction of a jetty at the mouth of San Diego Bay: and

WHEREAS, The growing importance of the commerce of the Pacific Coast in general, and of the City of San Diego in particular, demands that said jetty be completed; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be and they are hereby requested, and our Representatives be and they are hereby instructed, to use all honorable means to secure a sufficient appropriation for the completion of the Government jetty now partially constructed at the mouth of San Diego Bay:

Resolved further, That the Chief Clerk of the Assembly be and he is hereby instructed to mail a copy of these resolutions to each of our Senators and Representatives in Congress.

Resolution read.

AMENDMENTS.

Senator Nutt moved to amend Assembly Joint Resolution No. 3 as follows:

Amend by striking out the word "requested," in lines 9 and 10, and insert in lieu thereof the word "instructed"; also, amend lines 10 and 11 by striking out the word "instructed" and insert in lieu thereof the word "requested."

Amendments adopted.

Resolution, as amended, ordered printed.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, joint resolutions, and constitutional amendment were introduced.

By Senator Flint: Senate Bill No. 212—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner, from June 1, 1873, to April 1, 1874, amounting to \$2,000, approved by the State Board of Examiners, and appropriating money to pay the same.

Read first time, and referred to Committee on Finance and Claims.

By Senator Simpson: Senate Bill No. 213—An Act for the relief of W. C. Guirey.

Read first time, and referred to Committee on Finance and Claims.

By Senator Hoey: Senate Bill No. 214—An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used.

Read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 215—An Act for the relief of Julius A. Holt, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service.

Read first time, and referred to Committee on Finance and Claims.

By Senator Doty (by request): Senate Bill No. 216—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Read first time, and referred to Committee on Judiciary.

By Senator Chapman: Senate Bill No. 217—An Act amending Section 2 of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 30, 1874, relating to the taking of samples from mines, and for the better protection of stockholders in mining corporations.

Read first time, and referred to Committee on Corporations.

By Senator Wolfe: Senate Bill No. 218—An Act to amend an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, and compelling all banks to publish sworn statements of unclaimed deposits.

Read first time, and referred to Committee on Banks and Banking.

By Senator Trout: Senate Bill No. 219—An Act to amend Sections 1577, 1579, 1581, and 1595 of the school law.

Read first time, and referred to Committee on Education and Public Morals.

Also: Senate Bill No. 220—An Act to repeal an Act entitled "An Act to create a Bureau of Highways, and prescribe its duties and powers, and to make an appropriation for its expenses," approved March 27, 1895.

Read first time, and referred to Committee on Roads and Highways.

By Senator Feeney: Senate Bill No. 221—An Act to amend Sections 18 and 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof."

Read first time, and referred to Committee on Elections.

By Senator Dickinson: Senate Bill No. 222—An Act to amend Section 2 of an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 223—An Act authorizing and directing the transfer of \$40,000 from the Railway Tax Contingent Fund to the State School Fund, in compliance with the provisions of Section 3668 of the Political Code.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 224—An Act transferring the sum of \$80,000 from the General Fund to the Estate of Deceased Persons Fund.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 225—An act transferring from the Estate of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the

same in interest-bearing bonds, to be held in trust for the benefit of the State School Fund.

Read first time, and referred to Committee on Finance and Claims.

By Senator Cutter: Senate Bill No. 226—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the land owners before the Commissioners of Assessment, in relation to such assessments.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator Davis: Senate Joint Resolution No. 9—Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or in lieu thereof the permission of pasturage of sheep in said portion thereof for the year 1899.

Referred to Committee on Federal Relations and Immigration.

By Senator Trout: Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California the repeal of Section 22 of Article XII of the Constitution, in relation to Railroad Commissioners.

Referred to Committee on Judiciary.

MOTIONS AND RESOLUTIONS.

Senator Sims offered the following resolution, and moved its adoption:

Resolved, That the Superintendent of State Printing be and he is hereby directed to print six hundred copies of the second biennial message of Governor Budd, and six hundred copies of the inaugural address of Governor Gage, for the use of the members of the Legislature, and for distribution, as required by law, for reports of State officers, boards, or institutions.

Resolution read and adopted.

Senator Curtin offered the following resolution:

Resolved, That the President of the Senate is hereby authorized to increase the membership of the Committee on County Government and Township Organization by appointing two additional members thereon.

Referred to Committee on Rules and Revision.

Senator Cutter offered the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of seventy-five (\$75) dollars, for rubber stamps, expressage, and postage, the same payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Senator Simpson offered the following resolution:

Resolved, That the membership of the Committee on Corporations be increased by one, and the President authorized to appoint the additional member.

Referred to Committee on Rules and Revision for immediate report.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of the Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 14, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following resolutions:

Resolved, That the President of the Senate is hereby authorized to increase the membership of the Committee on County Government and Township Organization, by appointing two additional members thereon.

Also:

Resolved, That the membership of the Committee on Corporations be increased by one, and the President be authorized to appoint the additional member.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

BETTMAN, Chairman.

Report of committee and resolutions adopted.

RESOLUTION.

Senator Cutter offered the following resolution:

Resolved, That the membership of the Committee on Roads and Highways be increased from seven to nine.

Referred to Committee on Rules and Revision.

AMENDMENT TO COMMITTEE REPORT.

On motion of Senator Dickinson, the report of the Committee on Rules and Revision submitted on yesterday was corrected as to the name of the first standing committee, *i. e.*, the word "Dairying" being inserted after the word "Farming," so as to designate the same as the Committee on Farming, Dairying, and Manufacturing Interests.

MOTION.

Senator Bettman moved that when the Senate adjourn on this day it be until eleven o'clock and thirty minutes A. M. of Monday, January 16, 1899, and, in explanation of his motion, stated that he had telegraphed Hon. George C. Perkins, a Senator in Congress from California, requesting information as to the necessity of the Senate and Assembly meeting in Joint Assembly on to-morrow (Sunday) to ballot for a Senator in Congress in the event that no election will take place this day, and sent to the desk the following dispatch, received in reply, which was read:

WASHINGTON, D. C., January 13, 1899.

Honorable S. M. BETTMAN, Senate Judiciary Committee, Sacramento:

State Legislature is required to vote for Senator only on legislative days; therefore, Sunday is excepted.

GEORGE C. PERKINS.

Senators Curtin and Morehouse expressed themselves as being of the same opinion.

Whereupon the motion was put and carried.

PROPOSED CHANGES IN STANDING RULES.

Senator Bettman, Chairman of the Committee on Rules and Revision, presented the following notice, which sets forth the changes in the proposed Standing Rules of the Senate from those of the Standing Rules of the Senate during the thirty-second session of the Legislature, and requested that it be printed in the Journal.

So ordered.

SYNOPSIS OF CHANGES IN STANDING RULES IN THE SENATE.

RULE I.

The dates have been changed to correspond with the year 1899, rather than 1897.

RULE II.

Matter of reading of Journal has been changed to correspond with amendment of Section 253 of the Political Code.

RULE XXI.

Has been changed to permit "rush orders" for printing to be issued by the Secretary.

RULE XXV.

Permitting the chairman of each committee to name clerk of committee has been omitted to correspond with provisions of the Belshaw Act.

RULE XXVI.

Provides that the standing committees shall be named by the President of the Senate instead of by the Senate.

RULE XXXVI.

Setting forth standing committees has been changed, pursuant to the report of the special committee, and the report of the special committee has been further amended so as to make the Committee on Commerce consist of 9 members, Finance 13 members, and Military Affairs 7 members.

RULE XXXVIII.

Has been omitted. This provides that the chairman of each committee may appoint a clerk without the permission of the Senate; the Belshaw Act modifies this.

RULE LXVII.

Has been omitted. This prescribed the duty of the Committee on Rules and Revision, stating that they shall pass upon the constitutionality, and correctness, and accuracy of all laws, etc. This has been omitted, owing to the fact that this duty cannot be properly performed by any committee under the circumstances.

CONSIDERATION OF THE DAILY FILE.

Senate Joint Resolution No. 5--Relative to pensions for survivors of Indian wars, or their widows.

Passed on file.

SENATE JOINT RESOLUTION No. 4.

WHEREAS, The United States Government has expended a large sum of money in improving the bar at the entrance of Humboldt Bay; and

WHEREAS, The result has been to greatly increase the depth of water on said bar sufficient to admit the largest vessels, and has, also, tended to shoal the water in Eureka channel, and particularly at a point where all of the shipping interests on said bay center; now, therefore, be it

Resolved by the Senate and the Assembly, jointly, That our Senators and Representatives in Washington be and they are hereby instructed and requested to use all of their efforts to interest the War Department in taking immediate action toward dredging such channel, and in securing an appropriation sufficient to properly dredge the same; and be it further

Resolved, That a copy of this resolution be forwarded at once by the Secretary to each of our Senators and Representatives.

Resolution read.

COMMITTEE AMENDMENT.

The following committee amendment was read:

Now, therefore, be it resolved by the Senate and Assembly, jointly, That our Senators in Washington be instructed, and our Representatives be requested, to use all their efforts to interest the War Department in taking immediate action toward dredging such channel, and in securing an appropriation sufficient to properly dredge the same.

Amendment adopted.

Senate Joint Resolution No. 4, as amended, ordered printed.

TEMPORARY WITHDRAWAL OF CONCURRENT RESOLUTION.

Unanimous consent was granted Senator Luchsinger to temporarily withdraw Senate Concurrent Resolution No. 3, for the purpose of correction.

RECESS.

At eleven o'clock A. M., on motion of Senator Laird, a recess was declared until eleven o'clock and forty-five minutes A. M. of this day.

RECONVENED.

At eleven o'clock and fifty-five minutes A. M., the Senate was called to order.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

RECESS.

At eleven o'clock and fifty-seven minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Stephen M. White, had arrived, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 14, 1899. }

The hour of twelve o'clock meridian having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—38.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Keneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin,

McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—77.

Quorum of the Joint Assembly present.

READING OF JOINT ASSEMBLY JOURNAL.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of yesterday.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, January 13, 1899, resulted in no election of a United States Senator, and declared that an election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, and Morehouse—3.

For R. N. Bulla—Senators Currier and Simpson—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For G. A. Knight—Senator Gillette—1.

For Irving M. Scott—Senator Davis—1.

For Van R. Paterson—Senator Taylor—1.

For John Rosenfeld—Senator Feeney—1.

For James V. Coffey—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, La Rue, Pace, Prisk, and Sims—12.

For Thomas R. Bard—Senators Flint and Rowell—2.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received	3 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Thomas R. Bard received	2 votes.
John Rosenfeld received	1 vote.
James V. Coffey received	12 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Conrey, Cospier, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For G. A. Knight—Mr. Boynton—1.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Mr. La Barea—1.

For James V. Coffey—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowly, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—21.

Whole number of votes cast by Assemblymen	77
W. H. L. Barnes received	6 votes.
M. M. Estee received	1 vote
R. N. Bulla received	7 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
James V. Coffey received	21 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	114
Necessary to a choice	58
W. H. L. Barnes received	9 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	2 votes.
Van R. Paterson received	2 votes.
Thomas R. Bard received	2 votes.
John Rosenfeld received	1 vote.
James V. Coffey received	33 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, and Morehouse—3.

For R. N. Bulla—Senators Currier and Simpson—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For G. A. Knight—Senator Gillette—1.

For Irving M. Scott—Senator Davis—1.

For Van R. Paterson—Senator Taylor—1.

For Gillis Doty—Senator Hall—1.

For John Rosenfeld—Senator Feeney—1.

For William M. Conley—Senators Ashe, Boggs, Brauhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—11.

For Thomas R. Bard—Senators Flint and Rowell—2.

Whole number of votes cast by Senators	37
W. H. L. Barnes received	3 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
G. A. Knight received	1 vote.

Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Gillis Doty received	1 vote.
John Rosenfeld received	1 vote.
W. M. Conley received	11 votes.
Thomas R. Bard received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For G. A. Knight—Mr. Boynton—1.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Mr. La Barea—1.

For W. M. Conley—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—21.

Whole number of votes cast by Assemblymen	77
W. H. L. Barnes received	6 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	7 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
W. M. Conley received	21 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	114
Necessary to a choice	58
W. H. L. Barnes received	9 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	2 votes.
Van R. Paterson received	2 votes.
Gillis Doty received	1 vote.
John Rosenfeld received	1 vote.
W. M. Conley received	33 votes.
Thomas R. Bard received	2 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION TO ADJOURN.

At twelve o'clock and forty-five minutes P. M., Assemblyman Brown

moved to adjourn until Monday, January 16, 1899, at twelve o'clock meridian.

On the question of adjournment, the roll call was demanded.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Boggs, Boyce, Chapman, Currier, Dickinson, Feeney, Flint, Luchsinger, Maggard, Morehouse, Rowell, Simpson, and Smith—13.

NOES—Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Curtin, Cutter, Davis, Doty, Dwyer, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Nutt, Pace, Prisk, Shortridge, Sims, Taylor, Trout, and Wolfe—25.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Atherton, Brooke, Brown, Cargill, Clark, Clough, Cowan, Griffin, Huber, Jilson, Knights, Lardner, McDonald of Alameda, Milice, Sanford, Stewart, and Wade—17.

NOES—Messrs. Arnerich, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Burnett, Cobb, Conrey, Cosper, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Hanley, Henry, Hoey, Johnson, Kelley, Kelsey, Kennally, Knowland, La Barea, Le Baron, Lundquist, Mack, Marvin, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Meserve, Miller of Los Angeles, Muenter, O'Brien, Pierce, Raub, Raw, Rickard, Robinson, Eugene Sullivan, E. D. Sullivan, Valentine, Wardell, White, Works, and Mr. Speaker—58.

The Speaker of the Assembly announced the result as 30 for adjournment and 83 against adjournment, and thereupon the President pro tem. of the Senate and the Speaker of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, and Morehouse—3.

For R. N. Bulla—Senators Currier and Simpson—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For G. A. Knight—Senator Gillette—1.

For Irving M. Scott—Senator Davis—1.

For Van R. Paterson—Senator Taylor—1.

For John Rosenfeld—Senator Feeney—1.

For Jo Hamilton—Senators Ashe, Boggs, Brauhart, Chapman, Curtin, Doty, Dwyer, Hall, La Rue, Pace, Prisk, and Sims—12.

For Thomas R. Bard—Senators Flint and Rowell—2.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received	3 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Jo Hamilton received	12 votes.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being

called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muenter—6.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jil-son, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For G. A. Knight—Mr. Boynton—1.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Mr. La Barea—1.

For Jo Hamilton—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowley, Fair-weather, Feliz, Glenn, Gritlin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—21.

Whole number of votes cast by Assemblymen.....	77
W. H. L. Barnes received	6 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	7 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Jo Hamilton received	21 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	114
Necessary to a choice	58
W. H. L. Barnes received	9 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	2 votes.
Van R. Paterson received	2 votes.
Jo Hamilton received	33 votes.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, and Morehouse—3.

For R. N. Bulla—Senators Currier and Simpson—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For G. A. Knight—Senator Gillette—1.

For Irving M. Scott—Senator Davis—1.

For Van R. Paterson—Senator Taylor—1.

For Thomas R. Bard—Senators Flint and Rowell—2.

For John Rosenfeld—Senator Feeney—1.

For Charles D. Lane—Senators Ashe, Boggs, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators	37
W. H. L. Barnes received	3 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Charles D. Lane received	12 votes.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For G. A. Knight—Mr. Boynton—1.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Mr. La Barea—1.

For Charles D. Lane—Messrs. Boone, Brooke, Burnett, Caminetti, Crowly, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Stewart, E. D. Sullivan, Wardell, and White—19.

Whole number of votes cast by Assemblymen	75
W. H. L. Barnes received	6 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	7 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Charles D. Lane received	19 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	112
Necessary to a choice	57
W. H. L. Barnes received	9 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.

Irving M. Scott received.....	2 votes.
Van R. Paterson received.....	2 votes.
Charles D. Lane received.....	31 votes.
John Rosenfeld received.....	1 vote.
Thomas R. Bard received.....	2 votes.

ADJOURNMENT.

At one o'clock and ten minutes p. m., Assemblyman Belshaw moved to adjourn.

On the question of adjournment, the roll call was demanded by Assemblymen Belshaw and Johnson and Senator Leavitt.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Boggs, Boyce, Bulla, Chapman, Currier, Cutter, Dickinson, Feeney, Flint, Gillette, Jones, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Simpson, Smith, Taylor, and Trout—20.

NOES—Senators Ashe, Bettman, Braunhart, Burnett, Curtin, Davis, Doty, Dwyer, Hall, Hoey, Laird, La Rue, Leavitt, Pace, Prisk, Shortridge, Sims, and Wolfe—18.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Atherton, Belshaw, Bliss, Blood, Brooke, Brown, Cargill, Clark, Clough, Conrey, Cosper, Crowder, De Lancie, Fairweather, Felz, Greenwell, Hanley, Jilson, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Muenster, Radcliff, Raub, Raw, Robinson, Stewart, Valentine, Wade, Wardell, Works, and Mr. Speaker—42.

NOES—Messrs. Arnerich, Barry, Beecher, Boone, Boynton, Burnett, Caminetti, Cobb, Cowan, Crowley, Dale, Devoto, Dibble, Dunlap, Glenn, Griffin, Henry, Hoey, Johnson, Kelley, Kelsey, Kenneally, Knights, Lundquist, McKee, Mead, Melick, O'Brien, Pierce, Rickard, Eugene Sullivan, E. D. Sullivan, and White—33.

JOINT ASSEMBLY ADJOURNED.

The Speaker of the Assembly announced the result as 62 in favor of adjournment and 51 against adjournment, and thereupon declared the Joint Assembly adjourned until twelve o'clock meridian of Monday, January 16, 1899.

IN SENATE.

RECONVENED.

At one o'clock and thirty minutes p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—31.

Quorum present.

QUESTION OF PRIVILEGE.

Senator Braunhart arose to a question of privilege and referred to unjust attacks made upon him by certain daily papers, wherein they impugned his motive in introducing certain bills. He claimed the best of intentions in all his legislative work, and referred to his past official life as evidence of his good intentions.

ADJOURNMENT.

At one o'clock and forty minutes P. M., Senator Leavitt moved to adjourn.

Motion carried.

Whereupon the President pro tem. declared the Senate adjourned until eleven o'clock and thirty minutes A. M. of Monday, January 16, 1899.

IN SENATE.

SENATE CHAMBER,
Monday, January 16, 1899. }

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Hon. Thomas Flint Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, January 14, 1899, its further reading was dispensed with, on motion of Senator Bettman.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 12, 1899, having been previously read, was approved.

LEAVE OF ABSENCE.

Senator Boggs was granted a leave of absence for three days, on motion of Senator Morehouse.

Senator Davis was granted a leave of absence for this day, on motion of Senator Feeney.

Senator Curtin, being ill, was granted an indefinite leave of absence, on motion of Senator Sims.

SPECIAL ORDER RE-SET.

The reading of the Journal having been dispensed with, the special order—the consideration of the report of the Committee on Rules and Revision, which propose the Standing Rules for the Senate—was, on motion of Senator Bettman, re-set as a special order for Tuesday, January 17, 1899, immediately after reading of the Journal.

PRESENTATION OF PETITIONS.

Senator Stratton presented the following petition:

To the Senators and Representatives in the Legislature Assembled :

We, the undersigned, taxpayers of Alameda county, request the passage of general laws which will enable a municipality to consolidate with other parts of the county and form a consolidated city and county government, similar to the City and County of San Francisco :

Geo. W. Arper, President Merchants' Exchange ; D. C. Brown, Vice President Merchants' Exchange ; Wilber Walker, Secretary Merchants' Exchange ; F. M. Farrell, Director Merchants' Exchange ; J. F. W. Sobst, Director Merchants' Exchange ; J. S. Wixson, Director Merchants' Exchange ; F. Sinclair, Director Merchants' Exchange ; H. H. Schlueter, Director Merchants' Exchange ; H. N. Gard, Director Merchants' Exchange ; Theo. Gier, Director Merchants' Exchange ; F. J. Lea, Director Merchants' Exchange ; H. D. Cushing, Director Merchants' Exchange ; J. L. Champlin, Director Merchants' Exchange ; W. V. Witcher, Director Merchants' Exchange ; Frank C. Howe, Director Merchants' Exchange ; H. M. Sanborn, Director Merchants' Exchange ; G. I. Burchaell, Director Merchants' Exchange ; P. E. Bowles, President First National Bank ; D. Edward Collins, President California Bank ; W. G. Henshaw, Vice-President Western Union Savings Bank ; James C. McKee, Cashier Farmers and Merchants Savings Bank of Oakland, Cal. ; C. E. Palmer, Union National Bank ; W. W. Garthawite, Oakland Bank of Savings ; L. G. Burpee, First National Bank ; F. S. Page, First National Bank ; E. A. Heron, 1050 Broadway ; A. H. Breed, 1070 Broadway ; E. W. Marston, 1391 Webster ; J. Tyrrel, 906 Ninth ; M. J. Keller, 1105 Broadway ; Sol. Kahn, Washington and Twelfth streets ; John F. Towle, 1933 Myrtle street ; Frank K. Mott, 653 Broadway ; A. D. Pryal, Clarmount ; James P. Taylor, 455 Ninth street ; J. E. Johnston, 267 Twelfth street ; Craigie Sharpe, 718 Sycamore ; Directors of Oakland Board of Trade, and over 2,000 other names.

Petition read, and first two pages ordered printed in the Journal.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 16, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the sum of five hundred dollars (\$500), or so much thereof as may be necessary, be and the same is hereby appropriated from the Contingent Fund of the Senate, for the purpose of furnishing the office of the Lieutenant-Governor in the State Capitol building. That the Controller of State be and he is hereby authorized to draw his warrant in favor of the Secretary of the Senate for so much thereof of the said five hundred dollars as may be used in furnishing said room, and for which vouchers may be presented.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, January 16, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following resolution:

Resolved, That the membership of the Committee on Roads and Highways be increased from seven to nine.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BETTMAN, Chairman.

Resolution adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, concurrent resolutions, joint resolutions, and constitutional amendments were introduced:

By Senator Laird: Senate Bill No. 227—An Act making an appropriation to pay the unpaid claims for bounty on coyote scalps.

Read first time, and referred to Committee on Finance and Claims.

By Senator Nutt: Senate Bill No. 228—An Act appropriating \$80,000 to complete and equip the building now being constructed for the use of the State Normal School of San Diego, California.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Prisk: Senate Bill No. 229—An Act to provide for the disposal of money raised by cities or towns for public improvement after the same has been completed and paid for.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Simpson: Senate Bill No. 230—An Act to authorize the transfer of \$40,000 from the General Fund to the State School-Book Fund, and providing for its expenditure.

Read first time, and referred to Committee on Finance and Claims.

By Senator Morehouse: Senate Bill No. 231—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Trout: Senate Bill No. 232—An Act to amend Sections 2292, 2293, and 2298 of Chapter III., Title V., of the Political Code, relating to the State Library.

Read first time, and referred to Committee on Public Printing and State Library.

By Senator Cutter: Senate Bill No. 233—An Act to amend Section 1050 of the Code of Civil Procedure of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 234—An Act to prevent the defrauding of livery stable proprietors and managers, and providing for the punishment thereof.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 235—An Act to amend an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect works necessary and incident to said drainage; to condemn land and property for the purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, by amending Sections 2, 3, and 4 thereof, so as to provide for the improvement and protection of the navigable channels and harbors of this State.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator Dickinson: Senate Bill No. 236—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 237—An Act to provide for the inspection of dried and canned fruits, raisins, and nuts.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Cutter: Senate Constitutional Amendment No. 9—Relative to the compensation of Supreme and Superior Court Judges.

Referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 10—Relative to State indebtedness, authorizing the issuance of bonds for the purpose of the construction of a system of State highways.

Referred to Committee on Judiciary.

By Senator Currier: Senate Joint Resolution No. 10—Relative to construction and ownership of Nicaragua Canal.

Referred to Committee on Federal Relations.

By Senator Trout: Senate Joint Resolution No. 11—Relative to money now due and unpaid to the State of California from the National Government.

Referred to Committee on Federal Relations.

By Senator Luchsinger: Senate Joint Resolution No. 12—Relative to improvement of San Pablo Bay.

Referred to Committee on Federal Relations.

Also: Substitute for Senate Concurrent Resolution No. 3—Relative to the approval of the charter of the City of Vallejo, lately adopted by the electors of that city.

Referred to Committee on Municipal Corporations.

RESOLUTION.

Senator Simpson offered the following resolution:

Resolved, That the Secretary of the Senate be directed to return to the Assembly Assembly Joint Resolution No. 3 and Assembly Concurrent Resolution No. 11 for correction.

Resolution read and adopted.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Stephen M. White, had arrived, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,)
Monday, January 16, 1899. }

The hour of twelve o'clock meridian having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

JOINT ASSEMBLY ROLL CALL.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentzer, O'Brien, Pierce, Radcliff, Raub, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—74.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of yesterday.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Saturday, January 14, 1899, resulted in no election of a United States Senator, and declared that an election of a Senator to Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier and Simpson—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For G. A. Knight—Senator Gillette—1.

For Van R. Paterson—Senator Taylor—1.

For Abbot Kinney—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

For Thomas R. Bard—Senators Flint and Rowell—2.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.

D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
G. A. Knight received	1 vote.
Van R. Paterson received	1 vote.
Abbot Kinney received	12 votes.
Thomas R. Bard received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.

For M. M. Estee—Messrs. Anderson and Wade—2.

For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Pierce, Eugene Sullivan, and Wright—17.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Works—19.

For G. A. Knight—Mr. Boynton—1.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Mr. La Barea—1.

For Abbot Kinney—Messrs. Boone, Brooke, Burnett, Cowan, Crowley, Fairweather, Feliz, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

Whole number of votes cast by Assemblymen	74
W. H. L. Barnes received	6 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	7 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Abbot Kinney received	19 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	110
Necessary to a choice	56
W. H. L. Barnes received	10 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	9 votes.
D. M. Burns received	24 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	26 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	1 vote.
Van R. Paterson received	2 votes.
Abbot Kinney received	31 votes.
Thomas R. Bard received	2 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION TO ADJOURN.

Assemblyman McDonald of Alameda moved that the Joint Assembly do now adjourn.

Motion lost, and the President pro tem. of the Senate and the Speaker of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For G. A. Knight—Senator Gillette—1.
For Van R. Paterson—Senator Taylor—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.
For Thomas R. Bard—Senators Flint and Rowell—2.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
G. A. Knight received	1 vote.
Van R. Paterson received	1 vote.
Stephen M. White received	12 votes.
Thomas R. Bard received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.
For M. M. Estee—Messrs. Anderson and Wade—2.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelly, Kelsey, Kenneally, Lundquist, McKeen, Pierce, Eugene Sullivan, and Wright—17.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Works—19.
For G. A. Knight—Mr. Boynton—1.
For Irving M. Scott—Mr. Dunlap—1.
For Van R. Paterson—Mr. La Barea—1.
For Stephen M. White—Messrs. Boone, Burnett, Cowan, Crowley, Fairweather, Feliz, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.
For Marion De Vries—Mr. Brooke—1.

Whole number of votes cast by Assemblymen.....	74
W. H. L. Barnes received	6 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	7 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Stephen M. White received	18 votes.
Marion De Vries received	1 vote.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	110
Necessary to a choice.....	56
W. H. L. Barnes received.....	10 votes.
M. M. Estee received.....	2 votes.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	24 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	26 votes.
G. A. Knight received.....	2 votes.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	2 votes.
Stephen M. White received.....	30 votes.
Thomas R. Bard received.....	2 votes.
Marion De Vries received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For G. A. Knight—Senator Gillette—1.
For Van R. Paterson—Senator Taylor—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.
For Thomas R. Bard—Senators Flint and Rowell—2.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
G. A. Knight received.....	1 vote.
Van R. Paterson received.....	1 vote.
Stephen M. White received.....	12 votes.
Thomas R. Bard received.....	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muenter—6.
For M. M. Estee—Messrs. Anderson and Wade—2.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kennecally, Lundquist, McKeen, Miller of San Francisco, Pierce, Eugene Sullivan, and Wright—18.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale,

De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Works—20.

For G. A. Knight—Mr. Boynton—1.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Mr. La Barea—1.

For Marion De Vries—Messrs. Brooke and Burnett—2.

For Stephen M. White—Messrs. Boone, Cowan, Crowley, Fairweather, Feliz, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—17.

Whole number of votes cast by Assemblymen	76
W. H. L. Barnes received	6 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	7 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Marion De Vries received	2 votes.
Stephen M. White received	17 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	112
Necessary to a choice	57
W. H. L. Barnes received	10 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	9 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	1 vote.
Van R. Paterson received	2 votes.
Marion De Vries received	2 votes.
Stephen M. White received	29 votes.
Thomas R. Bard received	2 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier and Simpson—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For G. A. Knight—Senator Gillette—1.

For Van R. Paterson—Senator Taylor—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

For Thomas R. Bard—Senators Flint and Rowell—2.

Whole number of votes cast by Senators	36
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
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Van R. Paterson received	1 vote.
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The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

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For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.

For M. M. Estee—Messrs. Anderson and Wade—2.

For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Works—20.

For G. A. Knight—Mr. Boynton—1.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Mr. La Bree—1.

For Marion De Vries—Messrs. Brooke and Burnett—2.

For Stephen M. White—Messrs. Boone, Cowan, Crowley, Fairweather, Feliz, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—17.

Whole number of votes cast by Assemblymen.....	76
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M. M. Estee received	2 votes.
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U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Marion De Vries received	2 votes.
Stephen M. White received	17 votes.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	112
Necessary to a choice	57
W. H. L. Barnes received	10 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	9 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	1 vote.
Van R. Paterson received	2 votes.
Marion De Vries received	2 votes.
Stephen M. White received	29 votes.
Thomas R. Bard received	2 votes.

And thereupon declared the Joint Assembly had failed to elect a Senator in Congress.

MOTION TO ADJOURN.

At one o'clock and nine minutes p. m., Assemblyman Mead moved to adjourn.

On the question of adjournment, the roll call was demanded by Senators Simpson and Prisk and Assemblyman Johnson.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Boyce, Bulla, Chapman, Currier, Dickinson, Flint, Gillette, Jones, Langford, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Smith, Taylor, and Trout—19.

NOES—Senators Ashe, Bettman, Braunhart, Burnett, Curtin, Cutter, Dwyer, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Shortridge, Sims, Stratton, and Wolfe—17.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Anderson, Atherton, Belshaw, Bliss, Blood, Boone, Boynton, Cargill, Clark, Clough, Conrey, Cowan, Crowder, Dunlap, Hanley, Hoey, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, Mead, Merritt, Meserve, Miller of Los Angeles, Muentner, O'Brien, Pierce, Robinson, Sanford, Stewart, Valentine, Wade, Wardell, Works, and Mr. Speaker—39.

NOES—Messrs. Arnerich, Barry, Beecher, Brooke, Brown, Burnett, Chynoweth, Cobb, Cospier, Crowley, Dale, De Lancie, Devoto, Dibble, Fairweather, Feliz, Greenwell, Griffin, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Lundquist, McKeen, Melick, Merrill, Milice, Miller of San Francisco, Radcliff, Rickard, Eugene Sullivan, E. D. Sullivan, and White—36.

ADJOURNMENT.

The Speaker of the Assembly announced the result as 58 in favor of adjournment and 53 against adjournment, and thereupon declared the Joint Assembly adjourned until twelve o'clock meridian of Tuesday, January 17, 1899.

IN SENATE.

RECONVENED.

At one o'clock and twenty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

RECESS.

At one o'clock and twenty-two minutes P. M., on motion of Senator Luchsinger, the President pro tem. declared a recess until three o'clock P. M. of this day.

RECONVENED.

At three o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—31.

Quorum present.

APPOINTMENT OF ADDITIONAL COMMITTEEMEN.

The President of the Senate announced that, in compliance with the resolutions increasing the membership of certain committees previously

adopted, he appointed as such additional members Senators Curtin and Davis on the Committee on County Government and Township Organization; Senators Jones and Boggs on the Committee on Roads and Highways, and Senator Morehouse on the Committee on Corporations.

COMMUNICATION.

The following communication was received and read:

UNITED STATES SENATE, WASHINGTON, D. C., January 10, 1899.

Hon. F. J. BRANDON, *Secretary Senate, Sacramento, Cal.*:

MY DEAR BRANDON: I am in receipt of your telegram of January 7th giving the text of the resolution of the Legislature instructing the Senators from California to vote for and in every manner support the ratification of the treaty of peace with Spain. The instructions embodied in the resolution, I, as a representative of the people of California, shall implicitly obey.

Yours very truly,

GEO. C. PERKINS,
U. S. Senator.

RESOLUTION.

Senator Simpson offered the following resolution, and moved its adoption:

Resolved, That Senate Bill No. 230 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section, requiring that the bill shall be read on three several days in each House, are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

POINT OF ORDER.

Senator Smith made the following point of order:

That Section 15 of Article IV of the Constitution provides that no bill shall be put upon its final passage until the same shall have been printed for the use of the members, and that the Constitution permits of the suspension of that part of it which provides that the bill shall be read on three several days.

The President decided the point of order well taken, and thereupon declared the resolution out of order.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Simpson: Senate Bill No. 238—An Act making an appropriation to pay the claim of I. H. Polk against the State of California. Read first time, and referred to Committee on Finance and Claims.

By Senator Langford: Senate Bill No. 239—An Act to repeal an Act entitled "An Act for the establishment of a uniform system of road government and administration in the counties of the State of California," approved April 1, 1897.

Read first time, and referred to Committee on Roads and Highways.

By Senator Wolfe: Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Leavitt: Senate Bill No. 241—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

SENATE GENERAL FILE.

Senate Joint Resolution No. 5—Relative to pensions for survivors of Indian wars, or their widows.

Resolution passed on file.

Senate Joint Resolution No. 4—Relative to the improvement of Humboldt Bay.

Resolution passed on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following majority report of the Committee on Attachés, Contingent Expenses, and Mileage was received and read:

SENATE CHAMBER, SACRAMENTO, January 16, 1899.

MR. PRESIDENT: A majority of your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred Senate Bill No. 199—"An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employés of the Legislature"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FLINT, Chairman.

MINORITY REPORT.

The following minority report was received and read:

SENATE CHAMBER, SACRAMENTO, January 16, 1899.

MR. PRESIDENT: A minority of your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred Senate Bill No. 199—"An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employés of the Legislature"—report the same back, and recommend that it do not pass.

PRISK.

MOTION TO SUSPEND THE RULES.

Senator Cutter moved that the rules be suspended, and that the Senate proceed to read Senate Bill No. 199 a second time.

The roll was called.

Pending the announcement of the result of the roll call, Senator Simpson moved a call of the Senate.

So ordered.

CALL OF THE SENATE.

The President directed the Sergeant-at-Arms to close the doors of the Senate Chamber.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—33.

The Secretary thereupon announced the names of the Senators absent without leave.

Later the Sergeant-at-Arms brought to the bar of the Senate Senator Langford, an absentee.

Senator Langford was, on motion of Senator Gillette, excused for absenting himself without leave from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL DISPENSED WITH.

On motion of Senator Braunhart, further proceedings under the call of the Senate were dispensed with.

SUSPENSION OF THE RULES.

The President thereupon ordered the doors opened, and announced the adoption of the resolution, and the suspension of the rules, by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Currier, Cutter, Dickinson, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—23.

NOES—Senators Ashe, Braunhart, Doty, Hall, La Rue, Pace, and Sims—7.

RESOLUTION.

Senator Cutter offered the following resolution, and moved its adoption:

Resolved, That Senate Bill No. 199 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each House are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—28.

NOES—Senators Ashe, Braunhart, Hall, Langford, La Rue, Pace, and Sims—7.

MOTION.

Senator La Rue moved that Senate Bill No. 199 be denied a second reading.

POINT OF ORDER.

Senator Simpson made the following point of order: That both the rules of the Senate and the provisions of the Constitution had been suspended for the express purpose of reading the bill the second and third times, and placing the same on its passage; that each required more than a majority vote, and that the time had passed for an alteration of the intent of the resolution. To have been entertained, the motion should have been made to amend the resolution before the roll had been called on its adoption.

The President decided the point of order well taken, and declared the motion out of order.

APPEAL FROM THE DECISION OF THE CHAIR, AND THE CHAIR SUSTAINED.

From this decision Senator Dickinson appealed.

The President thereupon stated the question of decision and appeal, and put the question: "Will the decision of the Chair stand as the decision of the Senate?"

By vote of the Senate, the ruling of the Chair was sustained.

SECOND AND THIRD READING OF BILL.

Senate Bill No. 199—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature.

During the second reading of the bill, the following amendments were offered by Senator La Rue:

Amend Section 1 by striking out after the words "Sergeant-at-Arms," in line 8, the balance of the line; all of lines 9, 10, and 11.

Amendment lost.

Also: Amend Section 1 by striking out of lines 6 and 7 the words "one assistant at the desk."

Amendment lost.

Also: Amend Section 1, line 32, by inserting after the word "Senate" the words "by a three-fourths vote."

Amendment lost.

Bill read second time, and considered engrossed.

Bill read third time.

PROPOSED AMENDMENTS TO BILL.

Senator La Rue moved that Senator Doty be appointed a special committee of one to amend Senate Bill No. 199 as follows:

Amend Section 1 by striking out of line 14 the word "three" and substituting the word "two."

Also: Amend Section 1 by striking out of line 15 the word "two" and insert "one."

Also: Strike out of line 16 the word "three" and insert "one."

Also: Strike out of line 19 "three" and insert "two."

Also: Strike out of line 20 "four" and insert "two."

Also: Amend Section 1, line 24: After the word "keeper" the word "two" and insert "one."

Also: Strike out of line 24 the words "one cloak room clerk."

Also: Strike out of line 28 everything after the word "Senate," and all of line 29 as far as "six."

Also: Strike out of line 29 the word "six" and insert "four."

On the appointment of the special committee of one, the ayes and noes were demanded by Senators Braunhart, La Rue, and Cutter.

The roll was called, and the motion to appoint lost by the following vote:

AYES—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Hall, Hoey, Langford, La Rue, Pace, Prisk, and Sims—13.

NOES—Senators Bettman, Boyce, Bulla, Burnett, Currier, Cutter, Dickinson, Flint, Gillette, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—23.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 199 passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Currier, Cutter, Dickinson, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—11.

Title read and approved.

On motion of Senator Dickinson, the bill was ordered immediately transmitted to the Assembly.

MOTION.

On motion of Senator Simpson, Senate Bill No. 230 was made a

special order for consideration on Tuesday, January 17, 1899, immediately after the reading of the Journal.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Senator Bulla, the President declared the Senate adjourned until ten o'clock A. M. of Tuesday, January 17, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 17, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Luch-singer, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 16, 1899, its further reading was dispensed with, on motion of Senator Prisk.

LEAVE OF ABSENCE.

Senator Davis was granted a leave of absence until eleven o'clock A. M. of to-morrow, on motion of Senator Flint.

Senator Leavitt was granted a leave of absence for the day, on motion of Senator Stratton.

SPECIAL ORDERS.

The reading of the Journal having been dispensed with, the special orders—the consideration of the report of the Committee on Rules and Revision (proposing Standing Rules) and Senate Bill No. 230—heretofore set for this hour, were taken up for consideration.

The proposed Standing Rules of the Senate submitted by the Committee on Rules and Revision on Friday, January 13, 1899, and on that day printed in the Journal, and later amended by increasing the membership of the following committees: on County Government and Township Organization from seven to nine members; on Corporations from eleven to twelve members, and on Roads and Highways from seven to nine members, and changing the name of the Committee on Farming and Manufacturing Interests to Farming, Dairying, and Manufacturing Interests, were read.

AMENDMENT.

Senator Burnett moved to amend proposed rules as follows:

That Rule LXV, relating to San Francisco Delegation, be amended by striking out the words "and the member senior in service in the Senate shall be the chairman thereof."

Senator Brauhart moved to amend the amendment so it will read:

Amend proposed rules by striking out all of Rule LXV.

Amendment to amendment lost.

Amendment offered by Senator Burnett adopted.

ADOPTION OF STANDING RULES.

The question recurring on the adoption of the proposed rules as amended.

The same were adopted as the Standing Rules of the Senate.

BILL REFERRED.

Senate Bill No. 230—An Act to authorize the transfer of \$40,000 from the General Fund to the State School-Book Fund, and providing for its expenditure.

On motion of Senator Simpson, Senate Bill No. 230 was referred to Committee on Finance and Claims for an early report, the bill to retain its place on file.

RESOLUTIONS.

Senator Cutter offered the following resolution, and moved its adoption:

Resolved, That the Secretary of the Senate be and he is hereby directed to order for the use of the committees and members of the Senate and the officers of the Senate, five dozen Globe files. The Controller of State is authorized to draw his warrant for \$60, in payment therefor, and the Treasurer directed to pay the same out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—None.

Senator Bettman offered the following resolution, and moved its adoption:

Resolved, That a committee of three Senators be appointed by the President to act with a similar committee appointed by the Assembly as the Committee on Joint Rules.

Resolution read and adopted.

APPOINTMENT OF JOINT COMMITTEE.

The President, in compliance with the Standing Rules of the Senate, appointed Senators Bettman, Smith, and Pace as the Committee on Joint Rules, on the part of the Senate.

BILL RE-REFERRED.

On motion of Senator Langford, Senate Bill No. 169—An Act to provide for the appointment of State detectives, to establish their duties,

and to provide for the payment of their salaries—was ordered withdrawn from the Committee on Judiciary and referred to the Committee on State Prisons and Prison Buildings.

REPORT OF STANDING COMMITTEE.

The following report of a standing committee was received and read:

ON RULES AND REVISION.

To the President and Members of the Senate:

Your Committee on Rules and Regulations have the honor to report that at a joint session of this committee and the Senate Committee on Rules and Revision, the following Joint Rules were formulated, and your committee now recommend that they be adopted by the House, and that they shall go into effect when adopted by both Houses.

JOINT RULES.

I.—JOINT ADDRESS TO GOVERNOR.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

II.—BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

When a bill or resolution which shall have passed one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

III.—REJECTED BILLS REQUIRE FIVE DAYS' NOTICE AND TWO-THIRDS VOTE FOR REINTRODUCTION.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without notice of five days, and leave of two-thirds of that House in which it shall be renewed.

IV.—EACH HOUSE TO TRANSMIT PAPERS.

Each House shall transmit to the other papers on which any bill or resolution shall be founded.

V.—DISAGREEMENT, ADHERED TO, DEFEATS THE BILL.

After each House shall have once adhered to its disagreement, a bill or resolution shall be lost.

VI.—NO APPROPRIATION EXCEPT BY BILL.

No appropriation of money, for any purpose whatever, shall be made except by bill.

VII.—JOINT AND CONCURRENT RESOLUTIONS.

Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both Houses of the Legislature are concurrent resolutions.

VIII.—JOINT RESOLUTIONS TREATED AS BILLS.

All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each House.

IX.—AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

X.—BILLS READ AND REFERRED TO COMMITTEE.

When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

XI.—SPECIAL FILE.

After the first day of February, 1899, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the

Senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered one hour and a half after being so taken up. This rule shall not be suspended in either House except by a two-thirds vote of such House.

XII.—FEES ALLOWED IN CASES OF CONTEST.

Whenever, in the Senate or Assembly, a contest is made for the seat of any Senator or Assemblyman, no more than \$200 shall be allowed as counsel fees for the sitting member and \$100 for the contesting member, regardless of who is seated.

XIII.—BILLS NOT TO BE PRINTED FOR ENGROSSMENT UNLESS AMENDED.

Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

XIV.—AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall report it within ten days, if received on or before January 25th, and within five days if received after January 25th, unless otherwise ordered by the Senate or Assembly.

XV.—CLERK TO RETURN BILL TO SENATE.

After a Senate bill has passed the Assembly, or has been refused passage by the Assembly, the Clerk of the Assembly shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Senate, and in the Assembly message, which must accompany same, mention the action taken by the Assembly.

XVI.—SECRETARY TO RETURN BILL TO ASSEMBLY.

After an Assembly bill has passed the Senate, or has been refused passage by the Senate, the Secretary of the Senate shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Assembly, and in the Senate message, which must accompany same, mention the action taken by the Senate.

XVII.—TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

XVIII.—WHEN AMENDMENTS ARE CONCURRED IN.

If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments, and the bill shall be ordered to enrollment.

XIX.—WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

If the Senate refuse to concur (if it be a Senate bill) or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

XX.—COMMITTEE ON CONFERENCE.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective Houses.

XXI.—FREE CONFERENCE COMMITTEE.

If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, but such amendments made by such committee shall be attached to the bill.

The report of the Committee on Free Conference shall not be subject to amendment in either House, but the conferees may be discharged and other conferees may be appointed, or the report may be recommitted to the same conferees.

XXII.—WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed, and shall be determined without debate.

XXIII.—MESSAGES MUST BE ANNOUNCED BY THE ASSISTANT SERGEANT-AT-ARMS.

When a message shall be sent from either House it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

XXIV.—SECRETARY, CLERK, ETC., TO CARRY MESSAGES.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

XXV.—NOTICES TO BE ON PAPER, UNDER PROPER SIGNATURE.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

XXVI.—ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICER.

After a bill shall have passed both Houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

XXVII.—ENROLLING COMMITTEE TO COMPARE.

When bills are enrolled they shall be reexamined by the Enrolling Committee of the House in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

XXVIII.—PRESIDENT AND SPEAKER TO SIGN BILLS.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

XXIX.—ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

After a bill shall have thus been signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated.

XXX.—DAILY HISTORY OF BILLS, ETC.

There shall be printed daily, by both the Senate and Assembly, a History of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the House up to the day preceding the publication of such History. A regular form shall be prescribed, and no other form shall be used.

XXXI.—SECRETARY AND CLERK TO KEEP REGISTER.

The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

XXXII.—SECRETARY AND CLERK SHALL INDORSE BILLS.

The Secretary of the Senate and Clerk of the Assembly shall indorse, on every original bill, a statement of any action taken by the Senate and Assembly.

XXXIII.—ADJOURNMENT SINE DIE.

An adjournment *sine die* shall only be made by concurrent resolution.

XXXIV.—DISPENSING WITH JOINT RULES.

No joint rule shall be dispensed with except by vote of two thirds of each House; and if either House shall violate a joint rule a question of order may be raised in the other House and decided in the same manner as in the case of the violation of the rules of such House; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the House in which it originated, with-

out further action. Or, at the option of such House, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

BETTMAN, Chairman.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Dickinson: Senate Bill No. 242—An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 243—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees, an expense payable as an expense of administration.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 244—An Act to pay the claim of J. W. Newbert against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 245—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Currier: Senate Bill No. 246—An Act to provide for the organization of persons owning water which is received and distributed to their lands from a common source and by the same system of works, and also for the further acquisition and development of water.

Read first time, and referred to Committee on Irrigation and Water Rights.

By Senator Sims: Senate Bill No. 247—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

Also: Senate Bill No. 248—An Act to amend Sections 3747, 3805, and 3817 of the Political Code, relating to revenue and taxation.

Read first time, and referred to Committee on Finance and Claims.

By Senator Taylor: Senate Bill No. 249—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending Section 3 thereof, relating to the enumeration of the inhabitants of a city or town.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Nutt: Senate Bill No. 250—An Act providing for the abandonment of operations by irrigation districts, and for the disorganization upon the discharge of all outstanding obligations, and for the

sale of the property belonging to such irrigation districts for the purpose of discharging any outstanding obligations.

Read first time, and referred to Committee on Irrigation and Water Rights.

By Senator Stratton (by request): Senate Bill No. 251—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Read first time, and referred to Committee on Corporations.

By Senator Maggard: Senate Bill No. 252—An Act to repeal an Act entitled "An Act authorizing the Controller to appoint an additional clerk in his office in addition to the number now allowed by law, to be known as the Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year"; to create the office of Expert to the Controller, and prescribing his compensation.

Read first time, and referred to Committee on Finance and Claims.

By Senator Langford: Senate Bill No. 253—An Act to provide for the purchase of additional lands for the Folsom State Prison, and making an appropriation therefor.

Read first time, and referred to Committee on State Prisons and Prison Buildings.

Also: Senate Bill No. 254—An Act to repeal an Act entitled "An Act to establish a State Lunacy Commission, to provide for the uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties."

Read first time, and referred to Committee on Finance and Claims.

By Senator Jones: Senate Bill No. 255—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors, to a vote of the people, by municipal corporations of the fifth and sixth classes.

Read first time, and referred to Committee on Education and Public Morals.

GENERAL FILE.

Senate Joint Resolution No. 5—Relative to pensions for survivors of Indian wars, or their widows.

Resolution passed on file.

Senate Joint Resolution No. 4—Relative to the improvement of Humboldt Bay.

Resolution passed on file.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Tuesday, January 17, 1899. }

The hour of twelve o'clock meridian having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker pro tem. of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names.

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kenneally, Knights, Knowland, La Baree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenter, Pierce, Radcliff, Raub, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—75.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of yesterday.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker pro tem. of the Assembly announced that the proceedings of the Joint Assembly of Monday, January 16, 1899, resulted in no election of a United States Senator, and declared that an election of Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being

called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Shortridge, and Wolfe—6.
For U. S. Grant, Jr.—Senators Boyce, Jones, Maggard, Nutt, Smith, and Trout—6.
For G. A. Knight—Senator Gillette—1.
For Van R. Paterson—Senator Taylor—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Stephen M. White—Senators Ashe, Braunnhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators.....	34
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	6 votes.
U. S. Grant, Jr. received.....	6 votes.
G. A. Knight received.....	1 vote.
Van R. Paterson received.....	1 vote.
Thomas R. Bard received.....	2 votes.
Stephen M. White received.....	12 votes.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.
For M. M. Estee—Messrs. Anderson and Wade—2.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—17.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merritt, Milice, Radcliff, Raub, and Works—19.
For G. A. Knight—Mr. Boynton—1.
For Irving M. Scott—Mr. Dunlap—1.
For Van R. Paterson—Mr. La Barea—1.
For Marion De Vries—Messrs. Brooke and Burnett—2.
For Stephen M. White—Messrs. Boone, Cowan, Crowley, Fairweather, Feliz, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—17.

Whole number of votes cast by Assemblymen.....	74
W. H. L. Barnes received.....	6 votes.
M. M. Estee received.....	2 votes.
R. N. Bulla received.....	7 votes.
D. M. Burns received.....	17 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr. received.....	19 votes.
G. A. Knight received.....	1 vote.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	1 vote.
Marion De Vries received.....	2 votes.
Stephen M. White received.....	17 votes.

The Speaker pro tem. of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	108
Necessary to a choice.....	55
W. H. L. Barnes received.....	10 votes.
M. M. Estee received.....	2 votes.

R. N. Bulla received.....	9 votes.
D. M. Burns received.....	23 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	25 votes.
G. A. Knight received.....	2 votes.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	2 votes.
Marion De Vries received.....	2 votes.
Thomas R. Bard received.....	2 votes.
Stephen M. White received.....	29 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker pro tem. of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Shortridge, and Wolfe—6.
For U. S. Grant, Jr.—Senators Boyce, Jones, Maggard, Nutt, Smith, and Trout—6.
For G. A. Knight—Senator Gillette—1.
For Van R. Paterson—Senator Taylor—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators.....	34
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	6 votes.
U. S. Grant, Jr., received.....	6 votes.
G. A. Knight received.....	1 vote.
Van R. Paterson received.....	1 vote.
Thomas R. Bard received.....	2 votes.
Stephen M. White received.....	12 votes.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.
For M. M. Estee—Messrs. Anderson and Wade—2.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cospser, Melick, Miller of Los Angeles, Robinson, and Valentine—7.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—17.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merritt, Milice, Radcliff, Raub, and Works—19.
For G. A. Knight—Mr. Boynton—1.
For Irving M. Scott—Mr. Dunlap—1.
For Van R. Paterson—Mr. La Bree—1.
For Stephen M. White—Messrs. Boone, Cowan, Crowley, Fairweather, Feliz, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—17.
For Marion De Vries—Messrs. Brooke and Burnett—2.

Whole number of votes cast by Assemblymen	74
W. H. L. Barnes received	6 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	7 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Marion De Vries received	2 votes.
Stephen M. White received	17 votes.

The Speaker pro tem. of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	108
Necessary to a choice	55
W. H. L. Barnes received	10 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	9 votes.
D. M. Burns received	23 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	25 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	1 vote.
Van R. Paterson received	2 votes.
Marion De Vries received	2 votes.
Thomas R. Bard received	2 votes.
Stephen M. White received	29 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker pro tem. of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Shortridge, and Wolfe—6.
For U. S. Grant, Jr.—Senators Boyce, Jones, Maggard, Nutt, Smith, and Trout—6.
For G. A. Knight—Senator Gillette—1.
For Van R. Paterson—Senator Taylor—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators	34
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	6 votes.
U. S. Grant, Jr., received	6 votes.
G. A. Knight received	1 vote.
Van R. Paterson received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	12 votes.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.

For M. M. Estee—Messrs. Anderson and Wade—2.

For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—17.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merritt, Milice, Radcliff, Raub, and Works—19.

For G. A. Knight—Mr. Boynton—1.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Mr. La Barea—1.

For Marion De Vries—Messrs. Brooke and Burnett—2.

For Stephen M. White—Messrs. Cowan, Crowley, Fairweather, Feliz, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—16.

Whole number of votes cast by Assemblymen.....	73
W. H. L. Barnes received	6 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	7 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Marion De Vries received	2 votes.
Stephen M. White received	16 votes.

The Speaker pro tem. of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	107
Necessary to a choice.....	54
W. H. L. Barnes received.....	10 votes.
M. M. Estee received.....	2 votes.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	23 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	25 votes.
G. A. Knight received.....	2 votes.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	2 votes.
Marion De Vries received.....	2 votes.
Thomas R. Bard received.....	2 votes.
Stephen M. White received.....	28 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION TO ADJOURN.

At twelve o'clock and fifty minutes P. M., Assemblyman Knowland moved to adjourn until Wednesday, January 18, 1899, at twelve o'clock meridian.

On the question of adjournment, the roll call was demanded by Senator Bettman and Assemblymen Johnson and Brooke.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Ashe, Boyce, Bulla, Burnett, Chapman, Cutter, Dickinson, Feeney, Flint, Gillette, Jones, Langford, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Smith, and Trout—21.

NOES—Senators Bettman, Brauhart, Curtin, Doty, Dwyer, Hall, Hoey, Laird, La Rue, Luchsinger, Shortridge, Sims, Stratton, Taylor, and Wolfe—15.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Anderson, Atherton, Belshaw, Bliss, Blood, Boone, Boynton, Cargill, Chynoweth, Clark, Clough, Conrey, Cosper, Cowan, Crowder, Crowley, De Lencie, Dunlap, Fairweather, Greenwell, Huber, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, Mead, Melick, Merritt, Meserve, Milice, Muentner, Raub, Sanford, Stewart, E. D. Sullivan, Valentine, Wade, and Wardell—43.

NOES—Messrs. Arnerich, Barry, Beecher, Brooke, Brown, Burnett, Cobb, Dale, Devoto, Dibble, Feliz, Griffin, Hanley, Henry, Hoey, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKeen, Merrill, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Rickard, Robinson, Eugene Sullivan, White, and Works—32.

ADJOURNMENT.

The Speaker pro tem. of the Assembly announced the result as 64 in favor of adjournment and 47 against adjournment, and thereupon declared the Joint Assembly adjourned until twelve o'clock meridian of Wednesday, January 18, 1899.

IN SENATE.

RECONVENED.

At one o'clock and five minutes p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

ADJOURNMENT.

At one o'clock and eight minutes p. m., on motion of Senator Dickinson, the Senate was declared adjourned until ten o'clock a. m. of Wednesday, January 18, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 18, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunnhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 17, 1899, its further reading was dispensed with, on motion of Senator Simpson.

SPECIAL ORDER RE-SET.

The consideration of the report of the special committee on Joint Rules for Senate and Assembly, heretofore set as a special order for consideration at this hour, was, on motion of Senator Bettinan, re-set as a special order for Thursday, January 19, 1899, immediately after reading of the Journal.

PRESENTATION OF PETITIONS.

Senator Stratton presented the following petition, which was read:

To the Members of the Legislature of the State of California, Greeting:

Your petitioners and constituents of the City of Oakland and County of Alameda would respectfully request that you would make such legislation in the case in question as may be legally necessary.

To have the Military Company of Veteran Soldiers now organized in Oakland, Cal., known as Company "A," Veteran Reserves, Captain C. K. King commanding, recognized and mustered into the military service of the State, and either assigned to a regiment or as acting as an independent company. The company was the first organization in the United States to offer their services to the Government after the sinking of the battleship "Maine." They are well drilled and went to the expense of partially equipping themselves. They are organized to serve the State and county in the interests of guarding property and are willing to be called upon at a moment's notice for such purpose. They are experienced men and can be depended upon in any emergency.

J. R. Talcott, Supervisor, Alameda County; John Mitchell, Supervisor, Alameda County; George Babcock, Court Commissioner; J. J. Allen, District Attorney, Alameda County; A. H. Breed, Chairman Republican County Central Committee; James B. Barber, County Tax Collector; William R. Davis, Attorney-at-Law; John A. Robinson, Deputy County Clerk, Alameda County; J. H. W. Riley, Secretary Republican County Committee; Major Frederick E. Whitney; A. M. Benham, 464 Ninth Street, Oakland; F. C. Watson, 464 Ninth Street, Oakland; N. W. Leiteb, 878 Broadway; J. S. Corrigan, 878 Broadway; E. W. Woodward, 463 Ninth Street, Oakland, Cal.; Geo. Roeth, 1232 Filbert Street; E. Hanly, 763 Castro Street, Oakland; John E. Boyd, Box 2, Berkeley; H. Brotherton, 1311 Shattuck Avenue, Berkeley; J. K. Piersol, Eighth and Madison streets; S. P. Knight, 1715 Twelfth Street; James W. Henderson, 865 Lydia Street, Oakland; R. A. Johnson, 811 Twenty-second Street; C. K. King, 9021 Broadway; P. W. Carroll, 2302 Adeline Street; C. K. King, Captain Company A, Veteran Reserves; H. H. Woodruff, First Lieutenant Company A, Veteran Reserves; S. P. Knight, Second Lieutenant Company A, Veteran Reserves; Louis Jurgens, Sergeant Company A, Veteran Reserves; R. A. Johnson, First Sergeant Company A, Veteran Reserves; James W. Henderson, Second Sergeant Company A, Veteran Reserves; J. C. Darnal, Fourth Sergeant Company A, Veteran Reserves; Z. N. Goldsby.

JOHN KAIGHIN.
JOSEPH S. K. SWETT.
H. D. TALCOTT.
F. M. FARWELL.

Camp Council, Admiral Dewey Camp No. 19, A. & N. Rep. League, Alameda County.

Petition ordered printed in Journal.

MOTIONS, RESOLUTIONS, AND NOTICES.

The following resolution was offered by Senator Simpson:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to purchase for the use of the committees named below the following supplies, the same to be paid for out of the contingent expenses of the Senate:

For County Government and Township Organization, 9 copies Henning's County Government.

For Municipal Corporations, 9 copies Finlayson's Street Law.

For Banks and Banking, 5 copies Magee's State Banks and Bank Officers.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Senator Boyce offered the following resolution, which was read:

WHEREAS, There has recently grown up a custom of interviewing legislators as to how they stand or propose to vote on pending measures and questions; and

WHEREAS, This information had been frequently published by prominent newspapers; and

WHEREAS, The proprietors or managers of various daily journals have specifically directed and ordered their local representatives stationed at Sacramento to go upon the floor of this body and interview the members for the purpose of publishing their views, and how they intend to vote, and the reasons for their vote, upon legislation pending before this body; and

WHEREAS, Such conduct is distasteful to the members of this body, and tends to embarrass legislation, and promote corrupt lobbying, and seems to be intended to advance sensational journalism rather than the public good; now, therefore, be it

Resolved, That any attempt on the part of newspaper representatives, while this body is in session, or upon the floor of the Senate, to interview members as to how they stand or expect to vote upon pending measures, shall be deemed a contempt of this body, and dealt with accordingly; and any proprietor or manager of a newspaper who shall give directions or orders to any subordinate, agent, servant, or employé to make such attempt, shall also be deemed guilty of contempt of this body, and dealt with accordingly.

On motion of Senator Dickinson, the consideration of the above resolution was made a special order for Thursday, January 19, 1899, immediately after reading of the Journal.

Senator Luchsinger offered the following resolution, and moved its adoption:

Resolved, That the Senate Chamber shall not be used for committee meetings unless permission be given by the President or President pro tem. of Senate.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 18, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred the following bills, report the same back, and recommend that they be referred as follows: Senate Bill No. 127—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893.

Referred to Committee on Judiciary.

Senate Bill No. 86—An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital, for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital, said building to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital, to appropriate money therefor, and provide for the expenditure of the same.

Referred to Committee on Public Buildings other than Prison Buildings.

Senate Bill No. 136—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the concrete gutting, culverting, and macadamizing of Waring street, in front of the lands of the Institute of the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, Superintendent of Streets of the Town of Berkeley, California, his authority having been acquired under the general street laws of this State.

Referred to Committee on Public Buildings other than Prison Buildings.

DICKINSON, Chairman.

There being no objection, Assembly Bill No. 127 was referred to Committee on Judiciary, and Senate Bills Nos. 86 and 136 were referred to Committee on Public Buildings other than Prison Buildings.

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 18, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 6—Relative to the construction of navy yards

and ship building—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEAVITT, Chairman.

SUSPENSION OF RULES.

On motion of Senator Luchsinger, the rules were suspended for the purpose of placing Senate Joint Resolution No. 6 on its adoption.

ADOPTION OF JOINT RESOLUTION.

SENATE JOINT RESOLUTION No. 6.

Relative to the construction of navy yards and ship building.

WHEREAS, The United States has expended for plants and sites for navy yards and stations, more than one hundred million dollars. The expenditure of this vast amount of public money was made that the nation might have under its immediate control a number of navy yards and stations conveniently located and properly equipped where it could build, repair, and equip its ships of war. We now have at least three navy yards that are equal to any demand which may be made upon them; one of these is located in California, namely: Mare Island Navy Yard. Notwithstanding that the Nation has its own navy yards fully equipped, the policy pursued by those in charge of the Navy Department has been to give the building of the navy to private establishments; such a policy is neither wise nor economical, and is directly opposite that followed by all of the great naval powers of the world. England and France never lose sight of the interest of the dock yards of the nation; they keep the dock yards always full of work, even if the private establishments of the country be forced to remain idle. We believe that it is both wise and patriotic to assist the development of private enterprise to the fullest possible degree, having a due regard to the public good. We condemn any policy that will favor private enterprise to the total neglect of the public dock yards of the country, as we would equally oppose the total neglect or discouragement of private enterprise by having all work required for our navy done in the navy yard. We believe that both should be encouraged and assisted, so that in time of great emergency the country would find it possible to have its work done in either or both places with dispatch. We favor the encouragement and building up of our navy yards because it is the best possible safeguard the country can have against the formation of trusts or combines in ship building; it also will be the means of securing under the control of the Navy Department a trained corps of mechanics who can be relied upon at all times. England, the greatest naval power in existence, almost entirely relies on her dock yards for the construction of her ships of war. To such a state of perfection has the dock yard system of England been brought, that the Board of Admiralty can estimate almost to a dollar the cost of the heaviest battle ship, and to a day as to the time needed for its construction. She has demonstrated beyond a doubt that the cheapest, quickest, and most economical place to have her war ships constructed is in her own dock yards. We believe that what England has been able to do in this line, we can do, if the proper encouragement be given; therefore, be it

Resolved by the Senate, the Assembly concurring. That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to have inserted in the present Naval Appropriation Bill a provision providing that a fair proportion of the vessels provided for in that bill shall be constructed in the navy yards of the country, and that at least one of them be constructed at the Mare Island Navy Yard. We also call their attention to the fact that all the ships provided for in the Naval Appropriation Bill for the fiscal year of 1897 and 1898 have not yet been contracted for nor assigned, and we hope that they may use their influence with the Navy Department to have some portion of them built at Mare Island;

Resolved. That the Secretary of the Senate be requested to immediately transmit to each of said Senators and Representatives a copy of these resolutions.

Resolution read.

The question being on the adoption of Senate Joint Resolution No. 6.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Resolution ordered immediately transmitted to Assembly.

REPORT OF SPECIAL COMMITTEE ON INAUGURAL CEREMONIES.

SENATE CHAMBER, SACRAMENTO, January 13, 1899.

MR. PRESIDENT: Your Committee on Inaugural Ceremonies, to whom was referred the conduct of said ceremonies, begs leave to report that they, in conjunction with the

Assembly committee, have approved bills therefor aggregating one thousand one hundred and ninety-four dollars and ninety-five cents (\$1194 95), as follows:

Lieut. C. C. Dennis, Naval Battalion, transportation, San Francisco and return, and rations	\$275 00
Capt. T. C. Poulter, transportation Co. A, 5th Infantry, from Oakland and return, and rations	329 00
Band	82 00
Salute	42 00
Wilson, carriages	80 00
Lafferty, carriages	30 00
Bell Conservatory Company, decorating desk	40 00
Brown, decorating flags	5 00
Bruner & Co., rent chairs	27 50
Six janitors, at \$6	36 00
Signal Corps, transportation from San Francisco and return, rations, and horse hire	248 45
Total	\$1194 95

That the Senate, under the terms of the resolution appointing said committee, are to pay one half of said amount, or the sum of \$597 48;

That the Senate has paid on account of said one half the sum of \$500; that the remainder of said one half, or \$97 48, should now be paid, and they offer and recommend the adoption of the following resolution:

Resolved, That the Committee on Inaugural Ceremonies be and they are hereby authorized to draw the sum of \$97 48 in payment of the balance of one half of the expenses of the inaugural ceremonies to be paid by the Senate, and the Controller is requested to draw his warrant for the said \$97 48 in favor of John H. Dickinson, as chairman of Committee on Inaugural Ceremonies, and the Treasurer is directed to pay the same.

DICKINSON, Chairman.

The question being on the adoption of the report.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Dickinson, Feeney, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Trout, and Wolfe—30.

NOES—None.

REPORTS OF STANDING COMMITTEES.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 18, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor and to appropriate money to enforce the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NUTT, Chairman.

On motion of Senator La Rue, Senate Bill No. 21 was referred to Committee on Finance.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 18, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby directed to order for the use of the committees and members of the Senate and the officers of the Senate, five dozen Globe files. The Controller of State is authorized to draw his warrant for \$60 in payment therefor, and the Treasurer directed to pay the same out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the resolution.

The roll was called, and the report of committee and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Cutter, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger,

Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—31.
NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Feeney: Senate Bill No. 256—An Act to prevent the use of paranzella, or drag-net, in the waters of this State.

Read first time, and referred to Committee on Forestry, Fish, and Game.

By Senator Bulla: Senate Bill No. 257—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Maggard: Senate Bill No. 258—An Act authorizing the Board of Trustees of the State Normal School at Chico to construct and furnish an addition to the State Normal School building at said place, and appropriating money therefor.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Trout: Senate Bill No. 259—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Leavitt: Senate Bill No. 260—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California," and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the Chief Deputy Clerk, the Deputy Clerks, and the stenographer of the Clerk of the Supreme Court.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 261—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California," and providing for the appointment of a Chief Deputy Clerk, five Deputy Clerks, and one stenographer of the Clerk of the Supreme Court.

Read first time, and referred to Committee on Judiciary.

By Senator Bettman: Senate Bill No. 262—An Act for the more effectual prevention of cruelty to animals.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Stratton: Senate Bill No. 263—An Act to amend Section 1895 of the Political Code of the State of California, relating to the persons subject to military duty, and to those who may constitute military organizations, in the military service of the State.

Read first time, and referred to Committee on Military Affairs.

By Senator Ashe: Senate Bill No. 264—An Act to prohibit the use of stagnant water in the drinking troughs used by domestic animals, and to prevent the spread of infectious diseases.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Also: Senate Bill No. 265—An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 266—An Act to amend Section 317 of the Civil Code, relating to the validity of the meetings of corporations.

Read first time, and referred to Committee on Corporations.

By Senator Smith: Senate Bill No. 267—An Act to amend Section 3491 of the Political Code of the State of California.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator Doty: Senate Bill No. 268—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 1745 and 1746 respectively, relating to the appointment of Public Administrators as guardians of the estates, or the persons and estates, of minors and insane persons.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 269—An Act to amend Section 1350 of the Code of Civil Procedure of the State of California, relating to executors.

Read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Bill No. 270—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Read first time, and referred to Committee on Judiciary.

By Senator Boyce: Senate Bill No. 271—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Gillette (by request): Senate Bill No. 272—An Act making an appropriation to pay the claim of the Bulletin for advertising the constitutional amendments for the year 1896.

Read first time, and referred to Committee on Finance and Claims.

By Senator Currier: Senate Bill No. 273—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds, or more, in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Leavitt (by request): Senate Bill No. 274—An Act to establish the office of State Fire Marshal of the State of California.

Read first time, and referred to Committee on Judiciary.

By Senator Laird: Senate Bill No. 275—An Act to change and permanently locate the boundary line between the counties of Shasta and Lassen.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Luchsinger: Senate Bill No. 276—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct disposition of the proceeds."

Read first time, and referred to Committee on Judiciary.

GENERAL FILE.

SENATE JOINT RESOLUTION No. 5.

Relative to pensions for survivors of Indian wars or their widows.

Senate and Assembly of the State of California to the Honorable the House of Representatives of the United States:

WHEREAS, There is now pending before the House of Representatives an amendment to an Act entitled "An Act granting pensions to the survivors of the Indian War of 1832

to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances and the Seminole War, approved July 27, 1892, be, and the same is hereby amended and extended, so as to include the names of the surviving officers and enlisted men who served for thirty days or more, and were honorably discharged under the United States military, territorial, or provisional authorities, in the Florida and Georgia Seminole Indian War of 1817 and 1818, the Fevre River Indian War of Illinois of 1827; the Sac and Fox Indian War of 1831; the Sabine Indian disturbances of 1836 and 1837; the Cayuse Indian War of 1847 and 1848 on the Pacific Coast; and the Florida War with the Seminole Indians from 1842 to 1858; the Texas and New Mexico Indian War of 1849 to 1855; the California Indian disturbances of 1851 and 1852; the Utah Indian disturbances of 1850 to 1853, and the Oregon and Washington Territory Indian wars from 1851 to 1856 inclusive, and also to include the surviving widows of such officers and enlisted men; *provided*, that such widows have not remarried; and *provided further*, that where there is no record of enlistment or muster into service in any of the wars mentioned in this Act or the original Act of which it is a supplement, the record of pay by the United States shall be accepted as evidence of said service"; and

WHEREAS, This Government never had more loyal citizens, truer friends, or more heroic or noble defenders than the Indian War veterans of California; therefore, be it

Resolved that we, the Senate of the State of California, the Assembly concurring, That we respectfully petition the House of Representatives to pass with as little delay as possible Senate Bill No. 344; and be it further

Resolved, That the Secretary of the Senate of the State of California be directed to forward a copy of this petition to the Speaker of the House of Representatives and a copy to each of our Representatives in the House.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Luchsinger, Morehouse, Pace, Simpson, Stratton, Taylor, and Wolfe—19.

NOES—Senators Chapman, Currier, Dickinson, Jones, Laird, La Rue, Maggard, Nutt, Prisk, Rowell, Shortridge, Smith, and Trout—13.

SENATE JOINT RESOLUTION No. 4.

Relative to the Improvement of Humboldt Bay.

WHEREAS, The United States Government has expended a large sum of money in improving the bar at the entrance of Humboldt Bay; and

WHEREAS, The result has been to greatly increase the depth of water on said bar sufficient to admit the largest vessels, and has also tended to shoal the water in Eureka Channel, and particularly at a point where all of the shipping interests on said bay center; now, therefore, be it

Resolved by the Senate and the Assembly, jointly, That our Senators in Washington be instructed, and our Representatives be requested, to use all of their efforts to interest the War Department in taking immediate action toward dredging such channel, and in securing an appropriation sufficient to properly dredge the same; and be it further

Resolved, That a copy of this resolution be forwarded at once by the Secretary to each of our Senators and Representatives.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—None.

SET AS A SPECIAL ORDER.

On motion of Senator Bettman, the taking up and consideration of messages from the Assembly was made a special order for Thursday, January 19, 1899, immediately after reading of the Journal.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing

a United States Senator to succeed Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 18, 1899. }

The hour of twelve o'clock meridian having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker pro tem. of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators:

The roll of the Senate was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowly, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hawley, Henry, Hoey, Huber, Jilson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Works—77.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of yesterday.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker pro tem. of the Assembly announced that the proceedings of the Joint Assembly of Tuesday, January 17, 1899, resulted in no

election of a United States Senator, and declared that an election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For G. A. Knight—Senator Gillette—1.
For Irving M. Scott—Senator Davis—1.
For Van R. Paterson—Senator Taylor—1.
For John Rosenfeld—Senator Feeney—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—11.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received.....	11 votes.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.
For M. M. Estee—Messrs. Anderson and Wade—2.
For R. N. Bulla—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—18.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—21.
For G. A. Knight—Mr. Boynton—1.
For Irving M. Scott—Mr. Dunlap—1.
For Van R. Paterson—Mr. La Barea—1.
For Marion De Vries—Messrs. Brooke and Burnett—2.
For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.
For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	79
W. H. L. Barnes received	6 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	7 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	21 votes.

G. A. Knight received.....	1 vote.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	1 vote.
Marion De Vries received.....	2 votes.
Stephen M. White received.....	18 votes.
John Rosenfeld received.....	1 vote.

The Speaker pro tem. of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	116
Necessary to a choice.....	59
W. H. L. Barnes received.....	10 votes.
M. M. Estee received.....	2 votes.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	25 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	28 votes.
G. A. Knight received.....	2 votes.
Irving M. Scott received.....	2 votes.
Van R. Paterson received.....	2 votes.
Marion De Vries received.....	2 votes.
John Rosenfeld received.....	2 votes.
Thos. R. Bard received.....	2 votes.
Stephen M. White received.....	29 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker pro tem. of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier and Simpson—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For G. A. Knight—Senator Gillette—1.
For Irving M. Scott—Senator Davis—1.
For Van R. Paterson—Senator Taylor—1.
For John Rosenfeld—Senator Feeney—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—11.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
G. A. Knight received.....	1 vote.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	1 vote.
John Rosenfeld received.....	1 vote.
Thomas R. Bard received.....	2 votes.
Stephen M. White received.....	11 votes.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Atherton, Clough, Knights, Knowland, Lardner, and Muentner—6.
For M. M. Estee—Messrs. Anderson and Wade—2.

For *R. N. Bulla*—Messrs. Belshaw, Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—7.

For *D. M. Burns*—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Johnson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—18.

For *C. N. Felton*—Mr. Brown—1.

For *U. S. Grant, Jr.*—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Works—20.

For *G. A. Knight*—Mr. Boynton—1.

For *Irving M. Scott*—Mr. Dunlap—1.

For *Van R. Paterson*—Mr. La Barea—1.

For *Marion De Vries*—Messrs. Brooke and Burnett—2.

For *Stephen M. White*—Messrs. Boone, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

Whole number of votes cast by Assemblymen	78
W. H. L. Barnes received	6 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	7 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
G. A. Knight received	1 vote.
Irving M. Scott received	1 vote.
Van R. Paterson received	1 vote.
Marion De Vries received	2 votes.
Stephen M. White received	19 votes.

The Speaker pro tem. of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	115
Necessary to a choice	58
W. H. L. Barnes received	10 votes.
M. M. Estee received	2 votes.
R. N. Bulla received	9 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
G. A. Knight received	2 votes.
Irving M. Scott received	2 votes.
Van R. Paterson received	2 votes.
Marion De Vries received	2 votes.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	30 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and forty minutes P. M., on motion of Senator Smith, the Joint Assembly was declared adjourned until twelve o'clock meridian of Thursday, January 19, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

Quorum present.

ADJOURNMENT.

At twelve o'clock and fifty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until ten o'clock A. M. of Thursday, January 19, 1899.

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IN SENATE.

SENATE CHAMBER,)
Thursday, January 19, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 18, 1899, its further reading was dispensed with, on motion of Senator Luschinger.

APPROVAL OF JOURNALS.

The Journals of Friday, January 13, 1899, and Saturday, January 14, 1899, having been previously read, were approved.

SPECIAL ORDERS.

The special orders set for consideration at this hour were disposed of as follows:

The report of the Committee on Joint Rules, proposing a set of Joint Rules for Senate and Assembly, was, on motion of Senator Braunhart, re-set as a special order for consideration immediately after reading of the Journal on Friday, January 20, 1899.

The consideration of the resolution prohibiting lobbying on the floor of the Senate during the hours of meeting was, on motion of Senator Boyce, temporarily postponed to a later hour of this day.

MESSAGE FROM THE ASSEMBLY—(SPECIAL ORDER).

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 6—Approving the charter of the

consolidated City and County of San Francisco, a municipal corporation, in the State of California, voted for and ratified by the qualified voters of said city and county, at a special election held therein for that purpose on the 26th day of May, 1898.

C. W. KYLE, Chief Clerk.

SUSPENSION OF RULES.

Senator Davis moved that the rules be suspended for the purpose of placing Assembly Concurrent Resolution No. 6 on its adoption.

There being no objection, it was so ordered.

CONSIDERATION OF CONCURRENT RESOLUTION.

ASSEMBLY CONCURRENT RESOLUTION No. 6.

Approving the charter of the consolidated City and County of San Francisco, a municipal corporation, in the State of California, voted for and ratified by the qualified voters of said city and county, at a special election held therein for that purpose, on the 26th day of May, 1898.

WHEREAS, The consolidated City and County of San Francisco, a municipal corporation, in the State of California, is now, and was at all the times herein referred to, a consolidated city and county containing a population of more than two hundred thousand inhabitants; and

WHEREAS, At a special municipal election, duly held in said city and county on the 27th day of December, 1897, in accordance with law and the provisions of Section 8 of Article XI of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected in and by said city and county, and by the qualified electors thereof, to prepare and propose a charter for said city and county; and

WHEREAS, The same was, on the 25th day of March, 1898, signed in duplicate by all the members of said board of fifteen freeholders, and was on said day returned, one copy thereof to the Mayor of said city and county, and the other to the County Recorder of said city and county; and

WHEREAS, Such proposed charter was then published in two daily newspapers of general circulation in said City and County of San Francisco, to wit: San Francisco Call and Daily Report, for more than twenty days, such publication in each instance having commenced within twenty days after the completion of said charter; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the Mayor and Board of Election Commissioners of said City and County of San Francisco to the qualified electors of said city and county at a special election, previously duly called, and thereafter held therein on the 26th day of May, 1898; and

WHEREAS, The returns of said election were duly canvassed by the said Mayor and Board of Election Commissioners of said City and County of San Francisco; and

WHEREAS, At said election a majority of such qualified electors of said city and county, voting at such special election, did vote in favor of and ratify said charter, so proposed; and

WHEREAS, Said Mayor and Board of Election Commissioners, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of said State; and

WHEREAS, The said charter so ratified is in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY
AND COUNTY OF SAN FRANCISCO

By the Board of Freeholders elected December 27, 1897, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

ARTICLE I.

BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation known as the City and County of San Francisco shall remain and continue a body politic and corporate, in name and in fact, by the name of the City and County of San Francisco, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may pur-

chase, receive, hold, and enjoy real and personal property: receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust, for charitable and other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

SEC. 2. The boundaries of the City and County of San Francisco are hereby declared to be those set forth in section thirty-nine hundred and fifty of the Political Code of California.

SEC. 3. The City and County of San Francisco shall continue, under this charter, to have, hold, and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality, and is hereby declared to be the successor of the same.

SEC. 4. Suits, actions, and proceedings may be brought in the name of the city and county for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, the city and county, whether made or arising or accruing before or after the adoption of this charter. All existing suits, actions and proceedings in the courts or elsewhere, to which the city and county is a party, shall continue to be carried on by or against the city and county.

SEC. 5. No recourse shall be had against the city and county for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city and county for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the city and county for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damage sustained.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

Chapter I.—The Board of Supervisors.

SEC. 1. The legislative power of the City and County of San Francisco shall be vested in a legislative body, which shall be designated the Board of Supervisors. Such body is also designated in this charter, the Supervisors.

SEC. 2. The Board of Supervisors shall consist of eighteen members, all of whom shall hold office for two years and be elected from the city and county at large. Each one must be at the time of his election an elector of the city and county, and must have been such for at least five years next preceding his election. Each Supervisor shall receive an annual salary of twelve hundred dollars.

Every person who has served as Mayor of the city and county, so long as he remains a resident thereof, shall be entitled to a seat in the Board of Supervisors and to participate in its debates, but shall not be entitled to a vote nor to any compensation.

SEC. 3. A majority of all the members of the board shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the board may prescribe.

SEC. 4. The board shall:

1. Appoint a clerk, sergeant-at-arms and, when authorized to do so by ordinance, such additional clerks and other assistants as may be deemed necessary.

2. Establish rules for its proceedings.

3. Keep a journal of its proceedings, and allow the same to be published. The ayes and noes shall on demand of any member be taken and entered therein.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence.

SEC. 5. The Mayor shall be the presiding officer of the Board of Supervisors. In the absence of the Mayor the Board shall appoint a presiding officer pro tempore from its own members, who shall have the same right to vote as other members.

SEC. 6. The board shall meet on Monday of each week, or if that day be a legal holiday, then on the next day. The board shall not adjourn to any other place than to its regular place of meeting, except in case of great necessity or emergency. The meetings of the board shall be public.

SEC. 7. The clerk of the board, when requested to do so, shall administer oaths and affirmations, without charge, in all matters pertaining to the affairs of his office, and shall perform such services as may be prescribed by the board. He shall have the custody of the seal, and of all leases, grants and other documents, records and papers of the city and county. His signature shall be necessary to all leases, grants, and conveyances of the city and county.

SEC. 8. Every legislative act of the city and county shall be by ordinance. The enact-

ing clause of every ordinance shall be in these words: "Be it ordained by the People of the City and County of San Francisco as follows." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose.

SEC. 9. No bill shall become an ordinance, nor resolution be adopted, unless finally passed by a majority of all the members of the board and the vote be taken by ayes and noes and the names of the members voting for and against the same be entered in the journal.

SEC. 10. No ordinance shall be revised, reenacted or amended by reference to its title; but the ordinance to be revised or reenacted, or the section thereof amended, shall be reenacted at length as revised and amended.

SEC. 11. An ordinance shall embrace but one subject, which subject shall be expressed in its title. If any subject be embraced in an ordinance and not expressed in its title, such ordinance shall be void only as to so much thereof as is not expressed in its title.

SEC. 12. When a bill is put upon its final passage in the board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the expiration of twenty-four hours after adjournment. No bill for the grant of any franchise shall be put upon its final passage within ninety days after its introduction, and no franchise shall be renewed before one year prior to its expiration. Every ordinance shall, after amendment, be laid over for one week before its final passage.

SEC. 13. Every bill or resolution providing for any specific improvement, or the granting of any franchise or privilege, or involving the lease, appropriation or disposition of public property, or the expenditure of public money, except sums less than two hundred dollars, or levying any tax or assessment, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in the official newspaper, with the ayes and noes, for at least five successive days (Sundays and legal holidays excepted) before final action upon the same. If such bill be amended, the bill as amended shall be advertised for a like period before final action thereon. But in cases of great necessity the officers and heads of departments may, with the consent of the Mayor, expend such sums of money, not to exceed two hundred dollars, as shall be necessary to meet the requirements of such necessity.

SEC. 14. If any bill be presented to the Mayor containing several items appropriating money or fixing a tax levy, he may object to one or more items separately, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it a statement of the item or items to which he objects and the reasons therefor, and the item or items so objected to shall not take effect unless passed notwithstanding the Mayor's objection. Each item so objected to shall be separately reconsidered by the Board in the same manner as bills which have been disapproved by the Mayor.

SEC. 15. No ordinance shall take effect until ten days after its passage unless otherwise provided in such ordinance.

SEC. 16. Every bill and every resolution as hereinbefore provided, which shall have passed the board, and shall have been duly authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill or resolution to the board within ten days after receiving it. If he approve it he shall sign it and it shall then become an ordinance. If he disapprove it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large in the journal of the board, and the board shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be again passed by the affirmative vote of not less than fourteen members of the board, the presiding officer shall certify that fact on the bill or resolution, and when so certified, the bill shall become an ordinance with like effect as if it had been approved by the Mayor. If the bill or resolution shall fail to receive the vote of fourteen members of the board it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes and the names of the members voting for and against the same shall be entered in the journal.

SEC. 17. All ordinances and resolutions shall be deposited with the clerk of the board, who shall record the same at length in a suitable book.

SEC. 18. No ordinance shall be repealed except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the Mayor for his approval as hereinbefore provided.

SEC. 19. Except as provided in Chapter III of Article III of this charter, all demands payable out of the treasury must, before they can be approved by the Auditor or paid by the Treasurer, be first approved by the Board of Supervisors. All demands for more than two hundred dollars shall be presented to the Mayor for his approval, in the manner hereinbefore provided for the passage of bills or resolutions. All resolutions directing the payment of money other than salaries or wages, when the amount exceeds five hundred dollars, shall be published for five successive days (Sundays and legal holidays excepted) in the official newspaper.

SEC. 20. Whenever there shall be presented to the Board of Election Commissioners a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding state or city and county election, asking that an ordinance to be set forth in such petition, be submitted to a vote of the electors of the city and county, the

Board of Election Commissioners must submit such proposed ordinance to the vote of the electors at the next election.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

The tickets used in such election shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance).

If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Board of Election Commissioners shall within thirty days from the time of such election, proclaim such fact; and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the Supervisors and approved by the Mayor, and the same shall not be repealed by the Supervisors. But the Supervisors may submit a proposition for the repeal of such ordinance, or for amendments thereto, for vote at any succeeding election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Sec. 21. Except as otherwise provided in the Constitution of the State, or as otherwise provided in this charter, every ordinance involving the granting by the city and county of any franchise for the supply of light or water, or for the lease or sale of any public utility, or for the purchase of land of more than fifty thousand dollars in value, must be submitted to the vote of the electors of the city and county at the election next ensuing after the adoption of such ordinance.

The tickets used at such election shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance).

If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact; and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the Supervisors and approved by the Mayor.

No such franchise, or lease or sale of any public utility, or purchase of land, shall be of any force or effect except it be made by ordinance, and such ordinance be adopted by the people as in this section provided.

Sec. 22. Whenever there shall be presented to the Supervisors a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding state or municipal election, asking that an amendment or amendments to this charter, to be set out in such petition, be submitted to the people, the board must submit to the vote of the electors of the city and county the proposed amendment or amendments.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements made therein are true and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

The Board of Election Commissioners must make all necessary provision for submitting the proposed amendment or amendments to the electors at a special election to be called by it, and shall canvass the vote in the same manner as in other cases of election.

All the provisions of the Constitution of the State embracing the subject in this section provided for are hereby expressly made applicable to such proposed amendment or amendments. But if at any time there shall be no constitutional provision or provisions under which this charter may be amended, then the aforesaid amendment or amendments must be submitted by the Board of Election Commissioners to the vote of the electors of the city and county at the election which next ensues after such petition is filed with the Supervisors, if any such election is not to be held within sixty days after the filing of such petition.

The tickets used at such election shall contain the words "For the Amendment" (stating the nature of the proposed amendment) and "Against the Amendment" (stating the nature of the proposed amendment).

If a majority of the votes cast upon such amendment or amendments shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact, and thereupon this charter shall be amended accordingly.

Chapter II.—Powers of the Supervisors.

SECTION 1. Subject to the provisions, limitations and restrictions in this charter contained, the Board of Supervisors shall have power:

1. To ordain, make and enforce within the limits of the city and county all necessary local, police, sanitary and other laws and regulations.

2. Except as otherwise provided in this charter, or in the Constitution of the State of California, to regulate and control for any and every purpose, the use of the streets, highways, public thoroughfares, public places, alleys, and sidewalks of the city and county.

3. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion of a street or the adjoining land, for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of such streets by the public.

4. To empower street railway companies, under such conditions as the board may see fit to impose, to convey street sweepings and offal to the public parks.

5. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained, and to prohibit the same within such limits. Such limits when once established shall not be changed except by extension.

6. To provide for the abatement or summary removal of any nuisance and to condemn and to prevent the occupancy of unsafe structures.

7. To regulate the use of hackney carriages and public passenger vehicles, and to fix the rates to be charged for the transportation of persons or personal baggage.

8. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody and destruction of the same.

9. To provide and maintain a morgue.

10. To provide for places for the detention of witnesses and persons charged with insanity, separate and apart from places where criminals or persons accused of public offenses are imprisoned.

11. To establish, maintain and regulate, and change, discontinue and reestablish city and county jails, prisons and houses of detention, punishment, confinement and reformation, hospitals and almshouses.

12. To purchase or acquire by condemnation such property as may be needed for public use.

13. Except as otherwise provided in this charter, to regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic and telegraphic service to the city and county, and to acquire, regulate and control any and all appliances for the sprinkling and cleaning of the streets of the city and county, and for flushing the sewers therein.

14. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the city and county, for the use of water, heat, light or power, supplied to the city and county, or to the inhabitants thereof, and to prescribe the quality of the service.

15. To impose license taxes and to provide for the collection thereof; but no license taxes shall be imposed upon any person who, at any fixed place of business in the city and county, sells or manufactures goods, wares or merchandise, except such as require permits from the Board of Police Commissioners as provided in this charter.

16. To prescribe fines, forfeitures and penalties for the breach of any ordinance; but no penalty shall exceed the amount of five hundred dollars or six months' imprisonment or both.

17. To fix the fees and charges for all official services not otherwise provided for in this charter.

18. To allow not to exceed two thousand five hundred dollars in any year for the celebration of the anniversary of our national independence, and not to exceed five hundred dollars in any year for the observance of Memorial Day.

19. To appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals, and to authorize the payment of the same or some part thereof to any society that shall efficiently aid in such convictions.

20. To provide for the payment of compensation to the interpreters appointed by the Judges of the Superior Court to interpret testimony in criminal cases in said court or the Police Court, or upon inquests and examinations. Such compensation shall not exceed one hundred dollars a month for each interpreter.

21. To offer rewards not exceeding one thousand dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city and county, and to authorize the payment thereof.

22. To provide in the annual tax levy for a special fund to be used in the construction of a general system of drainage and sewerage.

23. To provide a seal for the city and county, and seals for the several departments, boards and officers thereof, and a seal for the Police Court.

24. To fix the hours of labor or service required of all laborers in the service of the city and county, and to fix their compensation; provided that eight hours shall be the maximum hours of labor in any calendar day, and that the minimum wages of laborers shall be two dollars a day.

25. To set apart as a boulevard or boulevards any street or streets, or portions of a street or streets, over which there is no existing franchise for any street railroad.

26. To construct or permit the construction of tunnels, under such rules and regulations as the board may prescribe.

27. To regulate street railroads, tracks and cars; to compel the owners of two or more of such roads using the same street for any distance not exceeding ten blocks to use the same tracks, and to equitably divide the cost of construction and expense of maintenance thereof between the owners; to fix, establish and reduce the fares and charges for trans-

porting passengers and goods thereon; to regulate rates of speed, and to pass ordinances to protect the public from danger or inconvenience in the operation of such roads.

28. To allow any transcontinental or other railroad company having not less than fifty miles of road actually constructed and in operation to enter the city and county with its road and run its cars to the water front at the most suitable point for public convenience. No exclusive right shall be granted to any railroad company; and the use of all such rights shall at all times be subject to regulation by the Supervisors.

Every ordinance granting such right shall be upon the conditions that said company shall pave and keep in repair the street from curb to curb in such a manner and with such material as may from time to time be prescribed by the Supervisors, and that such company shall allow any other railroad company to use in common with it the same track or tracks, each paying an equal portion for the construction and repair of the tracks and appurtenances used by such railways jointly.

29. To convey lands in accordance with the provisions of the Act of the Legislature of the State of California, entitled "An Act to expedite the settlement of land titles in the City and County of San Francisco, and to ratify and confirm the acts and proceedings of certain of the authorities thereof," approved March 14, 1870.

30. To provide for the execution of all trusts confided to the city and county.

31. To transfer from one department of the city government vacant and unused lots of land to another department.

32. To provide for the lease of any lands now or hereafter owned by the city and county; but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least three weeks. No lease shall be authorized except by ordinance passed by the affirmative vote of two thirds of the members of the board, and approved by the Mayor, and no lease shall be made for a longer period than twenty years.

33. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city and county.

34. To provide for the purchase of property levied upon or under execution in favor of the city and county; but the amount bid on such purchase shall not exceed the amount of judgment and costs.

35. The Supervisors must appropriate annually to the Mayor thirty-six hundred dollars as and for a contingent fund, for which he need furnish no vouchers.

SEC. 2. The Supervisors shall constitute the Board of Equalization of the city and county. The Clerk of the Supervisors shall be Clerk of the Board of Equalization by virtue of his office.

SEC. 3. The Board of Supervisors shall appoint from its members a committee consisting of three to be denominated Finance Committee, and shall fill all vacancies in the committee. The committee shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books and papers in all public offices; shall have power to administer oaths and affirmations, and to examine witnesses, and compel their attendance before them by subpoena. The committee may at any time visit any of the public offices and make its examinations and investigations therein without hindrance.

The committee must, at least once in every six months, examine the official bonds of all city and county officers, and investigate the sufficiency and solvency of the sureties thereon, and report in writing the facts to the Mayor. Such report shall specify each bond with the sureties, and the amounts for which each surety is bound, and state whether or not they are sufficient and solvent. Upon such report the Mayor shall take such action as shall be necessary to protect the city and county, and may require new bonds when necessary, and he may suspend any officer till a sufficient bond is filed and approved.

SEC. 4. The Finance Committee shall have power, and it shall be its duty, to examine the records and examine and expert the books of account of all persons, companies or corporations that are required to pay a portion of their gross receipts into the treasury; and shall likewise, as an aid to the fixing of rates for furnishing water and light to the city and county and to the inhabitants thereof, have like power, and it shall be its duty, to examine the records and examine and expert the books of account of any and all persons, companies or corporations so furnishing water or light.

In the exercise of its functions, the concurrence of two members of the committee shall be deemed sufficient. The committee shall keep a record of its proceedings with the names of the witnesses examined and a substantial statement of the evidence taken. If, from the examination made by the committee, it shall appear that a misdemeanor in office, or a defalcation, has been committed by an officer, the committee shall immediately report to the Mayor, who if he approve the report, shall take such proceedings against such officer as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the process and orders of the committee.

SEC. 5. No exclusive franchise or privilege shall be granted for laying pipes, wires or conduits.

SEC. 6. The Board of Supervisors shall have power to grant authority for a term not exceeding twenty-five years to construct and operate street railways upon, or over, or under, the streets or parts of streets of the city and county not reserved for boulevards or carriage driveways, upon the following conditions and in the following manner, and none other:

Upon application being made to the board for any such franchise, it shall by resolution determine whether such franchise or any part thereof should be granted, and at

said time shall determine on what conditions the same shall be granted additional to those conditions provided in this chapter. After such determination, it shall cause notice of such application and resolution to be advertised in the official newspaper of the city and county for ten consecutive days. Such advertisement must be completed not less than twenty nor more than thirty days before any further action is taken by the board on such application. The advertisement must state the character of the franchise sought, the term of its proposed continuance, and the route to be traversed; that sealed bids will be received up to a certain hour on a day to be named in the advertisement; and a further statement that no bids will be received of a stated amount, but that all bids must be for the payment to the city and county in lawful money of the United States of a stated percentage of the gross annual receipts of the person, company or corporation to whom the franchise may be awarded, arising from its use, operation, enjoyment or possession.

Every bidder shall file with his bid a bond executed to the city and county, with at least two good and sufficient sureties to be approved by the Mayor in a penal sum prescribed by the Supervisors, and set forth in such advertisement, conditioned that such bidder will well and truly observe, fulfill and perform each and all of the conditions, terms and obligations of the franchise for which said application was made in case the same shall be awarded to him, and that in case of the breach of any of the conditions of such bond, the whole amount of the penal sum therein named shall be taken to be liquidated damages, and that as such shall be recoverable from the principal and sureties on such bond.

At the next regular session after the expiration of the time stated in such advertisement up to which such bids will be received, the board must open such bids and award the franchise to the person, company or corporation offering to pay the highest stated percentage of the gross receipts arising from the use, operation, possession or enjoyment of the franchise for which such application was made. But no award shall be made, nor any such application granted, unless the stated percentage offered to be paid for the franchise shall be at least three per centum of such gross receipts during the first five years of the period for which the franchise is to be granted, four per centum of the gross receipts during the next succeeding ten years, and five per centum of the gross receipts during the next succeeding ten years.

Except as in this section otherwise provided, bidding for such franchises must be in accordance with the provisions of this charter in relation to bids made to the Board of Public Works, so far as such provisions may be applicable. The Supervisors may reject any and all bids, and may refuse to grant a franchise for any part of the route for which application was made. Every ordinance making such grant shall require the concurrence of three fourths of all the members of the Board of Supervisors, as shown by the ayes and noes, and the approval of the Mayor, and at least ninety days shall intervene between the introduction and final passage of any such ordinance. It shall require a vote of five sixths of all the Supervisors to pass the ordinance notwithstanding the objections of the Mayor.

If any bid be accepted, the franchise must be granted upon the express condition, in addition to the conditions required by this charter, and such other conditions as may be prescribed by the Supervisors, that the per centum of the gross receipts of the railway shall be paid into the treasury on or before the tenth day of the next ensuing month after such gross receipts shall have been earned; and upon the further condition that the whole of the railway shall be continuously operated, and that at the end of the term the road-track and bed of such railway and all its stationary fixtures upon the public streets, shall become the property of the city and county; and that the grantees will, within one hundred days after the date of such grant, commence the construction of such railway, and continuously thereafter, in each and every month until the completion thereof, expend in such construction at least the sum of three thousand dollars.

The failure to comply with any of said conditions shall work an immediate forfeiture of such franchise and the road or track constructed thereunder. There shall be no power in the Supervisors to relieve from such forfeiture or from any of said conditions. On or before the tenth day of each month after said receipts shall have been earned, the president and secretary of said railway company shall make and file with the clerk of the Board of Supervisors a sworn statement of the gross receipts of such railway for the preceding month.

In granting any such franchise the Board of Supervisors shall impose such other lawful conditions as it may deem advisable, and must expressly provide that the franchise shall not be renewed or regranted, and that the board shall at all times have the power to regulate the rates of fare to be charged by those using, operating, possessing or enjoying the franchise, and that the Finance Committee of the board shall at all times be permitted to examine and expert their books as to such gross receipts. All moneys received for such franchises and in payment of the said per centum shall be credited to the General Fund.

SEC. 7. The Supervisors shall have no power to grant franchises or privileges to erect poles or wires for transmitting electric power or for lighting purposes along or upon any public street or highway of the city and county except upon all the conditions and in the manner, including competitive bidding and payment of a percentage of gross receipts, hereinbefore set out, and upon the further condition that the board shall at all times have the right to regulate the charges of any person, company or corporation suing, enjoying or possessing such franchise or privilege.

When, on the expiration of any street railroad franchise, it shall be deemed inexpedient by the board to use any of the property reverting to it by reason of such expiration in the operation of a street railroad, then the board shall have power to lease such property to any person, company or corporation, after the notice, on the terms, and in the manner above provided as to the granting of street railroad franchises, as far as the same may be applicable. But no ordinance authorizing such lease shall be passed prior to ninety days next preceding the expiration of such franchise.

Any ordinance granting a franchise or authorizing a lease under the provisions of this section shall be in force from and after the expiration of thirty days from the date of its signature by the Mayor, or from and after the expiration of thirty days from the date of its passage by the Supervisors over his objections, unless within said thirty days a petition signed by a number of the electors of the city and county equal to fifteen per centum of the votes cast at the last preceding election shall have been filed with the Supervisors, asking that said ordinance be submitted to the vote of the people. In such case said ordinance shall be submitted at the next election to the vote of the electors of the city and county, and unless said ordinance shall at said election receive in its favor a majority of the votes cast thereon it shall have no force or effect for any purpose. If a majority of the votes be in favor of such ordinance, the Board of Election Commissioners shall, on the conclusion of the canvass of the vote thereon, proclaim such fact, and upon such proclamation said ordinance shall have full force and effect as of the date aforesaid. Said petition and submission shall be made in accordance with the provisions of section twenty of Chapter I of this Article.

SEC. 8. All claims for damages against the city and county must be presented to the Board of Supervisors and filed with the clerk within six months after the occurrence from which the damages are claimed to have arisen; otherwise there shall be no recovery on any such claim.

Chapter III.—Contracts.

SECTION 1. All contracts for goods, merchandise, stores, supplies, subsistence or printing for the city and county, as well as for all subsistence, supplies, drugs, and other necessary articles for hospitals, prisons, public institutions and other departments not otherwise specifically provided for in this charter, must be made by the Supervisors with the lowest bidder offering adequate security, after publication for not less than ten days in the official newspaper; and no purchase thereof or liability therefor shall be made or created except by contract.

Except as otherwise provided in this charter, the board must determine annually what goods, merchandise, stores, supplies, drugs, subsistence and other necessary articles will be needed by the city and county for the ensuing year, and it shall have no power to purchase or to pay for the same unless the provisions in this charter provided as to competitive bidding for supplies are strictly followed, and no contract shall be made for any of the same unless upon such competitive bidding.

All proposals shall be accompanied with a certificate of deposit or certified check on a solvent bank in the city and county of ten per centum on the amount of the bid, payable at sight to the order of the Clerk of the Supervisors. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder.

Notices for proposals for furnishing the aforesaid articles shall mention said articles in general and shall state that the conditions and schedule may be found in the office of the Clerk of the Board of Supervisors; and shall also state that such articles are to be delivered at such times, in such quantities, and in such manner, as the Supervisors may designate. Any bidder may bid separately for any article named. The award as to each article shall in all cases be made to the lowest bidder for such article, and where a bid embraces more than one article the Supervisors shall have the right to accept or reject such bid or the bid for any one or more articles embraced therein. In the case of contracts for subsistence of prisoners the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. No article or articles provided for in this section shall have been made in any prison. The Supervisors shall require bonds with sufficient sureties for the faithful performance of every contract. The Clerk of the Supervisors shall furnish printed blanks for all such proposals, contracts and bonds.

All bids shall be sealed and delivered by the bidder to the Clerk of the Supervisors, and opened by the board at an hour and place to be stated in the advertisement for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All bids with alterations or erasures therein shall be rejected. All articles so supplied shall be subject to inspection and rejection by the Supervisors and by the person in charge of the office, institution or department for which the same are supplied. Every contract for work to be performed for the city and county must provide that in the performance of the contract eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages of laborers employed by the contractor in the execution of his contract shall be two dollars a day. Any contract for work to be performed for the city and county which does not comply with the provisions of this section shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

SEC. 2. All contracts for official advertising shall be let annually in like manner by

the Supervisors to the lowest responsible bidder publishing a daily newspaper in the city and county which has a bona fide daily circulation of at least eight thousand copies, and has been in existence at the time of letting such contract for at least two years. In inviting proposals therefor, such advertising shall not be classified and no proposal shall be acted upon which offers to do such advertising at different rates for different portions thereof.

Such advertising shall be construed to mean the advertising and publication of all official reports, orders, ordinances, messages, resolutions, notices inviting proposals and all notices of every nature relating to city work. No part or kind of such advertising shall be charged or contracted for at a higher rate than any other part or kind of the same is charged or contracted for, except in the case of the delinquent tax list.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

The advertising of the delinquent tax list shall be let to the lowest responsible bidder on a separate bidding from all other official advertising.

No board, department or officer shall make any publication which is not expressly authorized by this charter or by the Supervisors.

SEC. 3. The Clerk of the Supervisors shall annually, under the direction of the Supervisors, advertise for proposals for supplying the various departments, officers and offices of the city and county with all stationery and supplies in the nature of stationery, assessment books, minute books, blank books and the printing of blanks. The contracts for stationery shall be separate from those for printing.

Notice for proposals for supplies shall require a greater or less quantity to be delivered at such times and in such manner as the Supervisors may designate. The advertisement for bids for paper shall state the weight, quality and size of the various kinds required, and that for printing shall enumerate the various letter heads, tax bills, tax receipts, court notices, and all blanks, papers and documents now used or hereafter required in any and all departments of the city and county, including the forms, papers and blanks now used or hereafter required by the courts of the city and county.

The forms for all printing shall be consecutively numbered, and each form and blank shall be known as No. — (specifying the number). Such advertisement shall be published for at least ten days, and shall require the bidders to state the price at which each article will be furnished, printed or manufactured, as the same may be required from time to time during such period, and the amount of the bond that will be required as security for the performance of the contract.

No stationery furnished to any officer or department shall contain the name or names of the officer or officers constituting the head of the department or board. The contract or contracts must be made with the lowest bidder offering adequate security, quantity and quality being considered. The Clerk of the Supervisors shall have rooms in the City Hall for the custody of such stationery, and when purchased the same shall be delivered to him, and he shall issue and distribute the same to the various departments as required.

He shall keep accounts in detail, charging himself with all goods received, and crediting himself with the goods delivered upon order or requisition as hereinafter provided. When any of such supplies are required for any department, the Clerk of the Supervisors shall issue the same after the requisition for such articles has been made by the head of such department and approved by the Mayor.

All requisitions for printing shall be made in a similar manner. The clerk shall report monthly in writing to the Supervisors, in detail, the amount of all paper, blanks, books, stationery and printing ordered by and delivered to any department or officer.

SEC. 4. Any officer of the city and county, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kinds of material or supplies than has been actually received, shall be deemed guilty of misfeasance and shall be removed from office.

SEC. 5. All contracts provided for in this chapter must be in writing and executed in the name of the city and county by the Mayor. All such contracts must be countersigned by the Clerk of the Supervisors, and registered by number and date in a book kept by him for that purpose. When a contractor fails to enter into the contract awarded to him or to perform the same, new bids must be invited and a contract awarded as provided herein in the first instance. When the Supervisors believe that the prices bid are too high, or that bidders have combined to prevent competition, or that the public interest will be subserved thereby, they may reject any and all bids, and cause the notice for proposals to be re-advertised.

SEC. 6. No contract for lighting streets, public buildings, places or offices, shall be made for a longer period than one year, nor shall any contract to pay for gas, electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the board or department using or having charge thereof, and shall specify the amount of gas, electric light or illuminating material consumed in such building during the month.

ARTICLE III.

FINANCE AND TAXATION.

Chapter I.—Levyng of Taxes.

SECTION 1. On or before the first Monday of April in each year the heads of departments, offices, boards, and commissions of the city and county shall send to the Supervisors an estimate, in writing, of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, offices, boards, and commissions, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the Auditor.

SEC. 2. On or before the first Monday of May in each year the Auditor shall transmit to the Supervisors an estimate of the probable expenditures of the city and county government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for all outstanding funded debts, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property and the probable amount required to be levied and raised by taxation.

SEC. 3. The Supervisors shall meet annually between the first Monday of May and the first Monday of June, and by vote of a majority of all the members thereof make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city and county for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board, or commission as the Supervisors shall deem advisable.

Before finally determining upon the budget, the Supervisors shall fix such sufficient time or times as may be necessary to allow the taxpayers to be heard in regard thereto, and the Supervisors shall attend at the time or times so appointed for such hearing.

SEC. 4. Any item in said budget may, within ten days, be vetoed in whole or in part by the Mayor, and it shall require fifteen votes of the Supervisors to overcome such veto. Action thereon must be taken before the last Monday of June.

After the final estimate is made in accordance herewith, it shall be signed by the Mayor and the Clerk of the Supervisors, and the several sums shall then be appropriated for the ensuing fiscal year to the several purposes and departments therein named. The estimate shall be filed in the office of the Auditor.

SEC. 5. The Supervisors must cause to be raised annually according to law, and collected by tax, the amounts so appropriated, less the amounts received from fines, licenses and other sources of revenue.

SEC. 6. Except as otherwise provided in this charter, no money shall be drawn from the treasury unless in consequence of appropriations made by the Supervisors and upon warrants duly drawn thereon by the Auditor.

SEC. 7. No warrant shall be drawn except upon an unexhausted specific appropriation.

SEC. 8. The Supervisors may appropriate thirty-six thousand dollars a year for urgent necessities not otherwise provided for by law. No money shall be paid out of this appropriation unless authorized by a five-sixths vote of all the members of the Board of Supervisors and approved by the Mayor.

SEC. 9. It shall not be lawful for the Supervisors, or for any board, department, officer or authority having power to incur, authorize or contract liabilities against the treasury, to incur, authorize, allow, contract for, pay or render payable in the present or future, in any one month, any expenditure, demand or demands, against any appropriation, which, taken with all other expenditures, indebtedness or liability made or incurred up to the time in such month of making or incurring the same, shall exceed one twelfth part of the amount of the appropriation for the fiscal year.

When any board, department or officer having power to incur liabilities against the treasury shall make any agreement for obtaining supplies or having labor performed, such department, officer or board shall register such agreement by number and date, and all demands arising under such agreement shall be payable in the order of such registration. Such department, board or officer must inform the person with whom it is proposed to make such agreement of the amount of money available or likely to be available in the fund from which such demands are payable.

If, at the beginning of any month, any money remains unexpended in any appropriation which might lawfully have been expended during the preceding month, such unexpended sum or sums, except so much thereof as may be required to pay all unpaid claims upon such appropriation, may be carried forward and expended in any succeeding month of such fiscal year; but not afterwards, except in payment of claims lawfully incurred during such fiscal year. Appropriations provided to meet the expense of elections, for the support and maintenance of the Assessor's and Tax Collector's departments, and for urgent necessities, shall be exempt from the provisions of this section.

SEC. 10. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force, unless the Auditor shall indorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation

or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The Auditor shall make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so specified by the officer making the contract, and thereafter shall hold and retain such sum to pay the expense incurred until the contract shall be fully performed. The Auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

SEC. 11. On or before the last Monday of June in each year the Supervisors shall levy the amount of taxes for city and county purposes required to be levied upon all property not exempt from taxation. The amount shall be sufficient to provide for the payment during the fiscal year of all demands upon the treasury authorized to be paid out of the same; but such levy, exclusive of the State tax and the tax to pay the interest and maintain the sinking funds of the bonded indebtedness of the city and county, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares and public grounds of the city and county, shall not exceed the rate of one dollar on each one hundred dollars' valuation of the property assessed. The Supervisors in making the levy shall apportion the taxes to the several funds.

SEC. 12. In making the apportionment, the Supervisors shall take into account and apportion to the several funds the income and revenue estimated to arise during the fiscal year from licenses, fees and other sources; but the income to pay the interest on the bonded indebtedness and provide for the sinking funds shall always be provided for out of the tax on property.

SEC. 13. The limitation in section eleven of this chapter upon the rate of taxation shall not apply in case of any great necessity or emergency. In such case the limitation may be temporarily suspended so as to enable the Supervisors to provide for such necessity or emergency. No increase shall be made in the rate of taxation authorized to be levied in any fiscal year, unless such increase be authorized by ordinance passed by the unanimous vote of the Supervisors and approved by the Mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the Journal of the Board. Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law, or which cannot be paid out of the income and revenue provided, collected and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

SEC. 14. The Supervisors shall fix the amount of municipal revenues and provide for the collection thereof. They shall from time to time provide for the payment of the interest and principal of the bonds for which the city and county is liable.

SEC. 15. The Supervisors shall authorize the disbursement of all public moneys except as otherwise specifically provided in this charter.

SEC. 16. At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands finally adjudicated, the Supervisors shall direct the Treasurer to transfer all surplus moneys to a fund to be called the Surplus Fund, except such surplus moneys as are in the several interest and sinking funds, in the Common School Fund, in the Park Fund, the Library Fund, the Police Relief and Pension Fund, in the Firemen's Relief and Pension Fund, and in such other funds the disposition of whose surplus moneys is in this charter otherwise provided for.

Chapter II.—The Several Funds.

SECTION 1. The income and revenue paid into the treasury shall be at once apportioned to and kept in separate funds. It shall not be lawful to transfer money from one fund to another or to use the same in payment of demands upon another fund. The provisions of this section shall not apply to fees paid into the treasury and placed temporarily to the credit of the Unapportioned Fee Fund under the provisions of Chapter III of this article.

SEC. 2. The several funds in the treasury authorized by law at the time this charter takes effect, or provided for by this charter, shall continue therein so long as there shall be occasion therefor; and the moneys therein, or which may belong thereto, shall not be used for any purpose other than that for which the same were raised, except as otherwise provided in this charter.

The General Fund shall consist of moneys received into the treasury and not specially appropriated to any other fund.

The Park Fund shall consist of the moneys annually apportioned to said fund by virtue of the tax provided for in this charter for the maintenance, preservation, and improvement of the parks, squares, avenues, and public grounds of the city and county; of all moneys accruing from rents of buildings under the jurisdiction of the Park Commissioners; and of all moneys coming into the hands of said commissioners whether from donations or otherwise. Out of said fund shall be paid all the expenses of every kind for the preservation, maintenance, and improvement of the parks, squares, avenues, and public grounds of the city and county.

The Library Fund shall consist of the moneys annually apportioned to said fund by virtue of the tax provided for in this charter for the maintenance of library and reading-

rooms, and the purchase of books therefor. Out of said fund shall be paid all the expenses necessary to the maintenance of such library and reading-rooms and the purchase of books therefor.

SEC. 3. The Surplus Fund shall consist of the moneys remaining at the end of any fiscal year in any other funds (except the Common School Fund and the other funds by this charter otherwise expressly provided for) after all valid demands, indebtedness and liabilities against said funds incurred within such fiscal year have been paid and discharged; *provided*, that all disputed or contested claims payable out of such funds have been finally adjudicated.

The Surplus Fund shall be used for the purposes and in the order following:

1. In payment of any final judgment against the city and county.
2. In liquidation and extinguishment, under such regulations as the Supervisors may adopt, of any outstanding funded debt of the city and county.
3. To be carried over and apportioned among the funds and used in the ensuing fiscal year as part of the income and revenue thereof.

SEC. 4. The Special Deposit Fund shall consist of:

1. All moneys paid into court and deposited with the Treasurer by the County Clerk.

2. All moneys received by the Public Administrator and deposited by him with the Treasurer.

3. All moneys deposited with the Treasurer on special deposit.

The moneys in the Special Deposit Fund shall be paid out in the manner prescribed by law.

SEC. 5. Except as otherwise provided in this charter any moneys remaining at the end of any fiscal year in any interest and sinking fund or a fund provided by a special bond issue for a specific purpose, the Common School Fund, the Park Fund, the Library Fund, the Firemen's Relief and Pension Fund, Police Relief and Pension Fund, and the Public Building Fund shall be carried forward and apportioned to said respective funds for the ensuing fiscal year.

SEC. 6. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money applicable to its payment, may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue, when collected, in the order of their registration.

SEC. 7. When there shall be to the credit of any sinking fund in the treasury a sum not less than twenty thousand dollars which may be applied to the redemption of any outstanding bonds to which such fund is applicable, which are not redeemable before their maturity, it shall be the duty of the Mayor, Auditor and Treasurer to advertise for thirty days, inviting proposals for the surrender and redemption of the bonds.

After such advertisement the money in such sinking fund, or such portion thereof as may be required therefor, shall be awarded to the person or persons offering to surrender said bonds for the lowest price. Upon such award, when duly audited, the Treasurer shall, upon the surrender of the bonds, pay the amount to the person or persons to whom the same was awarded. No bid for the surrender of any of the bonds shall be accepted, which shall require a greater sum of money for their redemption than the then worth of the principal and interest of the bonds, calculated with interest not exceeding four per centum per annum.

Chapter III.—The Custody of Public Moneys.

SECTION 1. All moneys arising from taxes, licenses, fees, fines, penalties, and forfeitures, and all moneys which may be collected or received by any officer of the city and county or any department thereof, in his official capacity, for the performance of any official duty, and all moneys accruing to the city and county from any source, and all moneys directed by law or this charter to be paid or deposited in the treasury, shall be paid into the treasury. All officers or persons collecting or receiving such moneys must pay the same into the treasury. No officer or person other than the Treasurer shall pay out or disburse such moneys, or any part thereof, upon any allowance, claim, or demand.

SEC. 2. Salaried officers shall not receive nor accept any fee, payment, or compensation, directly or indirectly, for any services performed by them in their official capacity, nor any fee, payment, or compensation for any official service performed by any of their deputies, clerks, or employes, whether performed during or after official business hours. No deputy, clerk, or employe of such officers shall receive or accept any fee, compensation, or payment, other than his salary as now or hereafter fixed by law, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

SEC. 3. Every fee, commission, percentage, allowance, or other compensation authorized by law to be charged, received, or collected by any officer for any official service, must be paid by the officer receiving the same to the Treasurer, in the manner herein provided.

SEC. 4. It shall be the duty of every officer authorized by law to charge, receive, or collect any fee, commission, percentage, allowance, or compensation for the performance of any official service or duty of any kind or nature, or rendered in any official capacity, or by reason of any official duty or employment, to deliver the same to the Treasurer at the expiration of each business day. The Treasurer shall thereupon deliver to such

officer a receipt for the money so paid, which shall show the amount of money received, the day and hour when paid, the name of the officer paying the same, the nature of the service performed, and the name and official designation of the person by whom the service was performed; and like entries shall be made upon the stub of such receipt, which shall be kept by the Treasurer. The Treasurer shall place all such moneys in a fund to be designated the "Unapportioned Fee Fund," which is hereby created, and shall keep such fund as other funds in the treasury are kept, and shall be liable on his official bond for all money so received.

SEC. 5. The Auditor or other proper officer must prepare and deliver from time to time to the Treasurer, and to every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, for the performance of any official service or duty, as many official receipts as may be required, charging therewith the Treasurer or other officer receiving them. Such official receipts must be bound into books containing not less than one hundred such receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with receipt. When the books containing receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the Auditor or other proper officer, in whose custody they shall remain thereafter.

SEC. 6. When a receipt as herein provided is issued by the Treasurer he must state therein the date of payment, the name of the person making the payment, the amount of such payment, the nature of the service for which the charge is made, and the name and official designation of the officer performing the service, and shall make corresponding entries on the stub of each receipt.

SEC. 7. When any receipt is issued by any officer other than the Treasurer as herein provided, he shall state therein the day and hour of the delivery to him of the Treasurer's receipt, the nature of the service therein described, and the amount charged therefor, and the name of the person by whom such receipt is delivered to him, and shall make corresponding entries on the stub to which such receipt is attached.

SEC. 8. On the first day of each month the Treasurer must make to the Auditor a report under oath of all moneys received by him during the preceding month, showing the date and number of the receipt on which the money was received, the amount of each payment, by whom paid, the nature of the service, and the name and official designation of the officer performing the service. At the same time, or oftener, if required by the Auditor, the Treasurer shall exhibit to the Auditor all official receipts received by him during the previous month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month.

SEC. 9. On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make to the Auditor a report under oath of all official receipts issued by him during the preceding month, showing the date and number of each receipt, to whom issued, the nature of the service for which the charge was made, and the amount of such charge; and must at the same time, or oftener, if required, exhibit to the Auditor, or other proper officer, all the Treasurer's receipts deposited with him during the preceding month, and all receipts remaining in his hands, unused or not issued, at the close of business on the last day of each preceding month.

SEC. 10. Upon receiving the reports prescribed by sections eight and nine of this chapter, the Auditor shall examine and settle the accounts of each officer, and apportion such moneys to the fund or funds to which they are appropriated by law, and certify such apportionment to the Treasurer, who shall thereupon transfer from the "Unapportioned Fee Fund" the amounts so certified, and credit each fund entitled thereto with the proper amount so apportioned.

SEC. 11. Every officer who is by law allowed to charge and collect mileage for the service of process, or other like service, shall at the end of each month prepare and deliver to the Auditor a statement showing each process served, the title of the cause, the name of the deputy or other subordinate officer who made the service, the number of miles actually traveled in making such service, the exact day when such service was made, and between what hours of the day, and such statement shall be verified by the oath of such officer. The Auditor shall examine such statement, and issue his warrant upon the Treasurer for such amount of money as will reimburse such officer for his lawful expenses in making such service. Such warrant shall be paid by the Treasurer, without further approval, out of the "Unapportioned Fee Fund." No extra mileage shall be charged or allowed for service of two or more processes served on the same trip by the same deputy or deputies, except for extra mileage actually traveled in serving additional process. All mileage charged in violation of this section shall be disallowed by the Auditor, and all amounts disallowed for any reason shall be apportioned as other moneys in the "Unapportioned Fee Fund."

SEC. 12. When an officer, legally organized to employ a person other than one of his deputies or assistants at a stated compensation fixed by law, has employed such person, and in pursuance of such employment such person has rendered the service for which he was employed, such officer shall, at the end of each month, prepare and deliver to the Auditor a statement verified by the oath of such officer, showing the case or instance in which such service was performed, for whom performed, the name of the person so employed, by whom the service was performed, the amount of the charge therefor, the time actually employed in performing such service, and the dates of the beginning and ending of the period during which such person was so employed. The Auditor shall

thereupon examine such statement, and if he finds the same correct, he shall audit and allow the verified demand of such person so employed and performing the service for the sum or sums so earned by him for such service, and the Treasurer shall pay such demand so audited and allowed, without further approval, out of the "Unappropriated Fee Fund."

Sec. 13. The demand of the Auditor for his monthly salary shall be audited and allowed by the Mayor. All other demands on account of salaries fixed by law, ordinance, or this charter, and made payable out of the treasury, may be allowed by the Auditor without any previous approval. All demands payable out of the Common School Fund must, before they can be allowed or paid, be previously approved by the Board of Education. Demands payable out of the treasury for salaries, wages, or compensation of deputies, clerks, assistants, or employes, in any office or department, must, before they can be audited or paid, be first approved in writing by the officer, board, department or authority under whom, or in which, such demand originated. All other demands payable out of any funds in the treasury, must, before they can be allowed by the Auditor, or recognized, or paid, be first approved by the department, board or officer, in which the same has originated, and in all such cases must be approved by the Supervisors.

Every demand against the city and county shall, in addition to the other entries and indorsements upon the same required by this charter show :

1. The ordinance or authorization under which the same was allowed.
2. The name of the board, department or authority authorizing the same.
3. The fiscal year within which the indebtedness was incurred.
4. The appropriation provided to meet the demand.
5. The name of the specific fund out of which the demand is payable.

Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided, collected and paid into the proper specific fund in the treasury for the fiscal year within which the indebtedness was incurred, and shall refer to Chapter II of this article, and be numbered with reference to the fund out of which it is payable.

Sec. 14. Whenever any person has, or has received, moneys or other personal property belonging to the city and county, or has been intrusted with the collection, management or disbursement of any moneys, bonds, or interest accruing therefrom, belonging to or held in trust by the city and county, and fails to render an account thereof to, and make settlement with, the Treasurer within the time prescribed by law; or, when no particular time is specified, fails to render such account and make such settlement, or who fails to pay into the treasury any moneys belonging to the city and county upon being required to do so by the Auditor, within twenty days after such requisition, the Auditor must state an account with such person, charging twenty-five per centum damages, and interest at the rate of ten per centum per annum from the time of such failure.

A copy of such account in any suit therein is prima facie evidence of the things therein stated. In case the Auditor cannot for want of information state an account, he may in any action brought by him aver that fact, and allege generally the amount of money or other property which is due to or which belongs to the city and county. The City Attorney must prosecute all actions that may be brought under this section within ten days after notification by the Auditor.

Chapter IV.—Payment of Claims.

SECTION 1. The salaries and compensation of all officers, including policemen and employes of all classes, and all teachers in the public schools, and others employed at fixed wages, shall be payable monthly. Any demand upon the treasury accruing under this charter shall not be paid, but shall be forever barred by limitation of time, unless the same be presented for payment, properly audited, within one month after such demand became due and payable; or, if it be a demand which must be passed and approved by the Supervisors or Board of Education, or by any other board, then within one month after the first regular meeting of the proper board held next after the demand accrued; or, unless the Supervisors shall, within six months after the demand accrued as aforesaid, on a careful examination of the facts, resolve that the same is in all respects just and legal, and the presentation of it, as above required, was not in the power either of the original party interested or his agent, or the present holder; in which case they may by ordinance revive such claim; but it shall be barred in the same manner unless presented for payment within twenty days thereafter. No valid demand arising subsequent to the claim which may be revived as aforesaid shall be rendered invalid by reason of such revival exhausting the fund out of which subsequent claims might otherwise be paid. Such revived claim shall take rank as of the day of its revival.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Chapter I.—The Mayor.

SECTION 1. The chief executive officer of the city and county shall be designated the Mayor. He shall be an elector of the city and county at the time of his election, and must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two years. He shall receive an annual salary

of six thousand dollars. He may appoint a secretary, who shall receive an annual salary of twenty-four hundred dollars; an usher, who shall receive an annual salary of nine hundred dollars; and a stenographer and typewriter, who shall receive an annual salary of nine hundred dollars. All of said appointees shall hold their positions at the pleasure of the Mayor.

SEC. 2. The Mayor shall vigilantly observe the official conduct of all public officers and the manner in which they execute their duties and fulfill their obligations. The books, records and official papers of all departments, officers and persons in the employ of the city and county shall at all times be open to his inspection and examination. He shall take special care that the books and records of all departments, boards, officers and persons are kept in legal and proper form. When any official defalcation or willful neglect of duty or official misconduct shall come to his knowledge, he shall suspend the delinquent officer or person from office pending an official investigation.

The Mayor shall from time to time recommend to the proper officers of the different departments such measures as he may deem beneficial to public interest. He shall see that the laws of the State and ordinances of the city and county are observed and enforced. He shall have a general supervision over all the departments and public institutions of the city and county, and see that they are honestly, economically and lawfully conducted, and shall have the right to attend the meetings of any of the boards provided for in this charter, and offer suggestions at such meetings. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he may use and command the police force. If such police force is insufficient, he shall call upon the Governor for military aid in the manner provided by law, so that such riots, or tumults, may be promptly and effectually suppressed.

SEC. 3. The Mayor shall see that all contracts and agreements with the city and county are faithfully kept and fully performed. It shall be the duty of every officer and person in the employ or service of the city and county, when it shall come to his knowledge that any contract or agreement with the city and county, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter. A willful failure to do so shall be cause for the removal of such officer or employé. The Mayor shall give a certificate on demand to any person reporting such facts and information that he has done so, and such certificate shall be evidence in exoneration from a charge of neglect of duty.

The Mayor must institute such actions or proceedings as may be necessary to revoke, cancel, or annul all franchises that may have been granted by the city and county to any person, company, or corporation which have been forfeited in whole or in part or which for any reason are illegal and void and not binding upon the city. The City Attorney on demand of the Mayor must institute and prosecute the necessary actions to enforce the provisions of this section.

The Mayor shall have power to postpone final action on any franchise that may be passed by the Supervisors until such proposed franchise shall be ratified or rejected by a majority of the votes cast on the question at the next election.

SEC. 4. The Mayor shall appoint all officers of the city and county whose election or appointment is not otherwise specially provided for in this charter or by law. When a vacancy occurs in any office, and provision is not otherwise made in this charter or by law for filling the same, the Mayor shall appoint a suitable person to fill such vacancy, who shall hold office for the remainder of the unexpired term.

SEC. 5. The Mayor shall be president of the Board of Supervisors by virtue of his office. He may call extra sessions of the board, and shall communicate to them in writing the objects for which they have been convened; and their acts at such sessions shall be confined to such objects.

SEC. 6. When and so long as the Mayor is temporarily unable to perform his duties, a member of the board shall be chosen president pro tempore, who shall act as such Mayor. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Supervisors.

Chapter II.—The Auditor.

SECTION 1. The head of the Finance Department of the city and county shall be designated the Auditor. He shall be an elector of the city and county at the time of his election and must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two years. He shall receive an annual salary of four thousand dollars. The Auditor must always know the exact condition of the treasury and every demand upon it. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the city and county, and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city and county, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof, upon demand of the Mayor, the Supervisors, or any committee or members thereof.

SEC. 2. The Auditor shall appoint a Deputy Auditor, who shall possess the qualifications required of the Auditor, and who shall receive an annual salary of twenty-four hundred dollars. The Auditor may also appoint two assistant deputies, who shall each receive an annual salary of fifteen hundred dollars, and two clerks, who shall each receive an annual salary of twelve hundred dollars. He may employ such number of

extra clerks during the time their services may be necessary for the lawful discharge of his official duties, as the Board of Supervisors may designate. Such extra clerks shall each receive a salary not to exceed one hundred dollars a month for the time they shall be actually employed. The Auditor shall be allowed to expend not exceeding eighteen hundred dollars a year for counsel and attorney's fees.

SEC. 3. The Auditor shall keep an account of all moneys paid into and out of the treasury, and the Treasurer shall pay no money out of the treasury except upon demands approved by the Auditor. Any ordinance or law providing for the payment of any demand out of the treasury or any fund thereof (whether from public funds or from private funds deposited therein) shall always be construed as requiring the auditing of such demand by the Auditor before the same be paid.

SEC. 4. He shall number and keep an official record of all demands audited by him, showing the number, date, amount, name of the original holder, on what account allowed, against what appropriation drawn, out of what fund payable, and if previously approved or allowed, by what officer, department or board it has been so approved or allowed. It shall be misconduct in office for the Auditor to deliver a demand with his official approval until this requirement shall have been complied with.

SEC. 5. The Auditor shall approve no demand unless the same has been allowed by every officer, board, department and committee required to act thereon.

SEC. 6. No demand shall be allowed by the Auditor in favor of any corporation or person in any manner indebted to the city and county, except for taxes not delinquent, without first deducting the amount of any indebtedness of which he has notice; nor in favor of any person having the collection, custody or disbursement of public funds, unless his account has been presented, passed, approved and allowed as herein required; nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance, or the regulations of the Supervisors; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties, nor in favor of any officer or employee for the time he shall have absented himself without legal cause from the duties of his office during office hours. The Auditor must always examine on oath any person receiving a salary from the city and county touching such absence.

The Auditor may require any person presenting for settlement an account or claim for any cause against the city and county to be sworn before him touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justice of such account or claim. Moneys placed in the Special Deposit Fund shall not be subject to the provisions of this section.

SEC. 7. Every demand upon the Treasurer, except the salary of the Auditor, must, before it can be paid, be presented to the Auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation payable and out of what fund it is payable. If he allow it, he shall indorse upon it the word "allowed," with the name of the fund out of which it is payable, and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, date and amount composing it, and refer by chapter and section to the provisions of this charter authorizing the same.

SEC. 8. The Auditor shall keep a register of warrants, showing the funds upon which they are drawn, the number, in whose favor, for what service, the appropriation applicable to the payment thereof, when the liability accrued, and a receipt from the person to whom the warrant is delivered. He shall not allow any demand out of its order, nor give priority to one demand over another drawn upon the same specific fund, except for the purpose of determining its legality.

Chapter III.—The Treasurer.

SECTION 1. There shall be a Treasurer of the city and county, who shall be an elector of the city and county at the time of his election and who must have been such for at least five years next preceding such time. He shall be elected by the people, and hold his office for two years. He shall receive an annual salary of four thousand dollars, which shall be in full compensation for all his services. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; two assistant deputies, who shall each receive an annual salary of eighteen hundred dollars, and one clerk, who shall receive an annual salary of twelve hundred dollars.

SEC. 2. The Treasurer shall receive and safely keep all moneys which shall be paid into the treasury. He shall not lend, exchange, use, nor deposit the same, or any part thereof, to or with any bank, banker or person; nor pay out any part of such moneys, nor allow the same to pass out of his personal custody, except upon demands authorized by law or this charter, and after they shall have been approved by the Auditor. At the close of business each day he shall take an account of and enter in the proper book the exact amount of money on hand. At the end of every month he shall make and file with the Mayor and publish quarterly in the official newspaper a statement of the condition of the treasury, showing the amounts of receipts into and payments from the treasury, and on what account, and out of what fund. If he violate any of the provisions of this section, he shall be guilty of misconduct in office, and be liable to removal therefrom, and be proceeded against accordingly.

He shall keep the accounts belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another. He shall be in personal attendance at his office each day during office hours. No fees

of any kind shall be retained by him, but the same, from whatsoever source received or derived, shall be paid by him into the treasury.

SEC. 3. For the better security of the moneys in the treasury, there shall be provided a joint custody safe in which shall be kept the moneys of the city and county. Said safe shall have two combination locks, neither one of which alone will open the safe. The Treasurer shall have the knowledge of one combination and the Auditor of the other. The Auditor shall be joint custodian with the Treasurer of all funds in the joint custody safe; but shall have no control over them except to open and close the safe in conjunction with the Treasurer, when requested to do so in his official capacity, and shall not be held responsible on his official bond for any shortage which may occur in the treasury.

The gold shall be kept in bags containing twenty thousand dollars each, and the silver in bags containing one thousand dollars each. To each bag shall be attached a tag showing the nature and amount of coin contained therein. Each bag shall be sealed with the seal of each custodian.

There shall be kept in the safe a joint custody book, showing the amount and description of all funds in the safe, and whenever any amounts are withdrawn, the Auditor and Treasurer shall make the proper entry in the joint custody book and initial the same. If on account of sickness or urgent necessity the Auditor is unavoidably absent the Deputy Auditor shall perform his duties. The estimated amount of money required daily for the payment of demands against the treasury shall be taken from the joint custody safe and kept in another safe, and the money therein shall be balanced daily at the close of business hours.

SEC. 4. The Treasurer, on receiving any money into the treasury, shall make out and sign two receipts for the money. Such receipts shall be alike, except upon the face of one of them shall appear the word "original," and upon the face of the other shall appear the word "duplicate." Such receipts shall be numbered and dated, and shall specify the amount, on what account and from what person or officer received, and into what fund or on what account paid. The Treasurer shall enter upon the stubs of such receipts a memorandum of the contents thereof, and deliver the receipt marked "original" to the person or officer paying such money into the treasury, and forthwith deliver the receipt marked "duplicate" to the Auditor, who shall write upon its face the date of its delivery to him, and charge the Treasurer with the amount specified therein, and file the receipt in his office.

SEC. 5. No demand shall be paid by the Treasurer unless it specify each several item, date and amount composing it, and refer by title, date and section to the law, or ordinance or provision of this charter authorizing the same; but the allowance or approval of the Auditor, or of the Supervisors, or of any department, board or officer, of any demand which is not authorized by law or this charter, and which, upon its face appears not to have been expressly made payable out of the funds to be charged therewith, shall afford no warrant to the Treasurer for paying the same.

SEC. 6. Every lawful demand upon the treasury, audited and allowed as in this charter required, shall in all cases be paid upon presentation, if there be sufficient money in the treasury applicable to the payment of such demand, and on payment canceled with a punch, cutting the word "Canceled" therein, and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the Treasurer. Such register shall show the special number given by the Supervisors or other authority, and also by the Auditor to each demand presented, also when presented, the date, amount, name of original holder, and on what account allowed and against what appropriation drawn, and out of what specific fund payable. All demands shall be paid in the order of their registration. Each demand upon being so registered shall be returned to the party presenting it, with the indorsement of the word "Registered," and dated and signed by the Treasurer; but the registration of any demand shall not operate to recognize or make valid such demand if incurred contrary to any of the provisions of this charter.

Chapter IV.—The Assessor.

SECTION 1. There shall be an Assessor of the city and county, who shall be an elector of the city and county at the time of his election, and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for four years. He shall receive an annual salary of four thousand dollars, which shall be in full compensation for all his services. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier, who shall receive an annual salary of eighteen hundred dollars; six assistant deputies, who shall each receive an annual salary of eighteen hundred dollars; twenty-one clerks, who shall each receive an annual salary of twelve hundred dollars; and during four months of the year not more than one hundred clerks, who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment.

SEC. 2. The Assessor shall assess all taxable property within the city and county at the time and in the manner prescribed by the general laws of the State.

Chapter V.—The Tax Collector.

SECTION 1. There shall be a Tax Collector of the city and county, who shall be an elector of the city and county at the time of his election, and who must have been such for at least five years next preceding such time. He shall be elected by the people, and hold office for two years. He shall receive an annual salary of four thousand

dollars, which shall be in full compensation for all his services. He may appoint one chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier, who shall receive an annual salary of twenty-four hundred dollars; fifteen deputies, who shall each receive an annual salary of fifteen hundred dollars; and extra clerks, who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment, but the total amount of payment for such extra clerks shall not exceed thirty-six thousand dollars a year.

SEC. 2. The Tax Collector must collect all licenses which may at any time be required by law or ordinance to be collected within the city and county. He shall be charged with all taxes levied upon real and personal property within the city and county, upon the final settlement to be made by him according to law, or this charter. He shall pay into the treasury, without any deduction for commissions, fees, or charges of any kind or on any account, the full amount of all taxes, assessments, and moneys received by him, and not previously paid over, including all moneys paid under protest, and money received for taxes paid more than once, and for street assessments. He shall also be charged with, and be debtor to the city and county for the full amount of all taxes due upon the delinquent tax list delivered to him for collection, unless it appear to the satisfaction of the supervisors, expressed by resolution, that it was out of his power to collect the same by levy and sale of property liable to be seized and sold therefor.

SEC. 3. The Tax Collector may appoint an attorney to prosecute actions for the collection of delinquent taxes, and may agree on paying him as compensation therefor a stated percentage out of the amounts recovered; but such percentage shall in no case exceed fifteen per centum of the amounts recovered.

SEC. 4. He shall examine all persons liable to pay licenses, and see that licenses are taken out and paid for. In the performance of their official duties, he and his deputies shall have the same powers as police officers in serving process and making arrests. He may demand the exhibition of any license for the current term from any person, firm or corporation engaged or employed in the transaction of any business for which a license is required; and if such person, firm, or corporation shall refuse or neglect to exhibit such license, the same may be revoked forthwith by the Tax Collector.

SEC. 5. The Auditor shall from time to time deliver to the Tax Collector such city and county licenses as may be required, and sign the same and charge them to the Tax Collector, specifying in the charge the amounts thereof named in such licenses respectively and the class of licenses, and take receipts therefor, and the Tax Collector shall sign and collect the same. The Tax Collector shall once in every month, and oftener when required by the Auditor, make to the Auditor a report under oath of all licenses sold and on hand, and of all amounts paid to the Treasurer, and shall also in that regard comply with the regulations which may be prescribed by the supervisors. At the time of making such report, the Tax Collector shall exhibit to the Auditor all licenses on hand and the Treasurer's receipts for all moneys paid into the treasury.

Chapter VI.—The Coroner.

SECTION 1. There shall be a Coroner of the city and county, who shall be an elector of the city and county at the time of his election and who must have been such for at least five years next preceding such election. He shall be elected by the people and hold office for two years. He shall receive an annual salary of four thousand dollars. He shall perform such duties as may be prescribed by law or ordinance. He shall have the control and management of the morgue of the city and county, under such ordinances as the Supervisors may adopt.

SEC. 2. He may appoint an autopsy physician, who shall receive an annual salary of twenty-four hundred dollars; a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; three assistant deputies, who shall each receive an annual salary of fifteen hundred dollars; a stenographer and typewriter, who shall receive an annual salary of eighteen hundred dollars; and a messenger, who shall receive an annual salary of nine hundred dollars.

Chapter VII.—The Recorder.

SECTION 1. There shall be a Recorder of the city and county, who shall be an elector of the city and county at the time of his election, and who must have been such for at least five years next preceding such election. He shall be elected by the people, and hold office for two years. He shall receive an annual salary of thirty-six hundred dollars. He may appoint a chief deputy, who shall receive an annual salary of eighteen hundred dollars; two assistant deputies, who shall each receive an annual salary of fifteen hundred dollars. He may also appoint as many copyists as he may deem necessary, who shall receive not more than eight cents for each one hundred words actually written; but no copyist shall be paid a greater compensation at this rate than amounts in the aggregate to one hundred dollars a month.

SEC. 2. The Recorder shall take into his custody and safely keep all books, records, maps and papers deposited in his office. Upon demand and payment of the fees prescribed therefor by law or by ordinance, he must furnish to any one applying therefor a copy of any such book, record, map or paper, certified under the hand and seal of his office. When any papers are presented for filing or recording, he or his deputies shall write on the margin of each paper so presented the number of folios, the amount paid for recording the same, and shall number consecutively all instruments and documents filed in his office. He shall also perform all other duties at the time and in the manner prescribed by the general laws of the State.

ARTICLE V.

LEGAL DEPARTMENT.

Chapter I.—The Superior Court Judges.

SECTION 1. The Judges of the Superior Court of the city and county may appoint not to exceed five interpreters of foreign languages, who shall act as such interpreters in criminal actions and proceedings in all the courts in the city and county, and in examinations before Coroner's juries.

SEC. 2. The stenographers in the criminal departments of the Superior Court shall each receive an annual salary not exceeding twenty-four hundred dollars, which shall be in full compensation for all services, including transcription and all stationery used by them.

Chapter II.—The City Attorney.

SECTION 1. There shall be an attorney and counselor of the city and county, who shall be styled City Attorney, and who shall receive an annual salary of five thousand dollars. He shall be elected by the people and shall hold office for the period of two years. He must be at the time of his election an elector of the city and county and qualified to practice in all the courts of this State, and he must have been so qualified for at least ten years next preceding his election, during five years of which he must have been an actual resident of the city and county. He shall devote his entire time and attention to the duties of his office.

SEC. 2. He must prosecute and defend for the city and county all actions at law or in equity, and all special proceedings for or against the city and county; and whenever any cause of action at law or in equity or by special proceedings exists in favor of the city and county, he shall commence the same when within his knowledge, and if not within his knowledge, when directed to do so by resolution of the Supervisors. He shall give legal advice, in writing, to all officers, boards and commissions named in this charter, when requested so to do by them, or either of them, in writing, upon questions arising in their separate departments involving the rights or liabilities of the city and county. He shall not settle or dismiss any litigation for or against the city and county under his control unless upon his written recommendation he is ordered to do so by the Mayor and Supervisors.

SEC. 3. He shall keep on file in his office all written communications and opinions given by him to any officer, board or department; the briefs and transcripts used in causes wherein he appears; and bound books of record and registry of all actions or proceedings in his charge in which the city and county is interested.

SEC. 4. He shall deliver all books and records, reports, documents, papers, statutes law books and property of every description in his possession, belonging to his office, or to the city and county, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

SEC. 5. The City Attorney may appoint four assistants, the first of whom shall receive an annual salary of thirty-six hundred dollars; the second an annual salary of three thousand dollars; the third an annual salary of twenty-four hundred dollars, and the fourth an annual salary of eighteen hundred dollars. He may also appoint a chief clerk, who shall receive an annual salary of eighteen hundred dollars; an assistant clerk, who shall receive an annual salary of nine hundred dollars; a stenographer and typewriter, who shall receive an annual salary of nine hundred dollars; and a messenger, who shall receive an annual salary of nine hundred dollars. An officer of the Police Department shall be permanently detailed by the Chief of Police for the purpose of doing the detective work necessary in preparing and prosecuting the litigation of the office, who shall continue to serve on such detail during the pleasure of the City Attorney. The assistants and the chief clerk must each, at the time of his appointment, be qualified to practice in all the courts of this State, and must have been so qualified at least two years next preceding his appointment. The assistants, clerks, typewriter and messenger shall be appointed by the City Attorney, and shall hold their offices at his pleasure, and the specific duties of each shall be prescribed by him.

Chapter III.—The District Attorney.

SECTION 1. The District Attorney shall be elected by the people and shall hold office for two years. He shall be an elector of the city and county, and must at the time of his election be qualified to practice in all the courts of this State, and must have been so qualified for at least five years next preceding his election. He shall receive an annual salary of five thousand dollars.

SEC. 2. The District Attorney shall have all the powers conferred, and shall discharge all the duties imposed upon, the District Attorneys of counties by the general laws of this State, and in addition thereto shall attend, institute and conduct on behalf of the people, all prosecutions cognizable in the Police Court of the city and county. He shall draw all complaints and warrants in said Police Court, prosecute all forfeited recognizances therein, and all actions for the recovery of fines, penalties, and forfeitures accruing to the city and county; deliver receipts for money or property received in his official capacity, and file duplicates therefor with the County Treasurer; file with the Auditor on the first Mondays in January, April, July and October in each year, an itemized statement under oath showing all moneys received by him in his official capacity during the preceding three months; keep a register of his official business, in

which must be entered a note of every action, whether criminal or civil, prosecuted officially by him, and of the proceedings therein; and give, when required, without fee, advice to the Board of Police Commissioners, the Chief of Police, the Board of Health and the Coroner, upon matters relating to the duties of their respective offices.

SEC. 3. He may appoint seven Assistant District Attorneys to aid him in the discharge of his official duties, three of whom shall act as prosecutors in the Superior Court, and shall each receive an annual salary of thirty-six hundred dollars, and four of whom shall act as the prosecuting attorneys of the Police Court, and shall each receive an annual salary of twenty-four hundred dollars. When any of the assistants of the District Attorney acting as such prosecuting attorneys in the Police Court are not actually engaged in work connected with prosecutions therein, they shall be at the call of the District Attorney for any service connected with his department. The assistants must each, at the time of his appointment, be qualified to practice in all the courts of this State, and must have been so qualified for at least two years next preceding his appointment. The District Attorney may also appoint one chief clerk, who shall receive an annual salary of eighteen hundred dollars; one assistant clerk, who shall receive an annual salary of twelve hundred dollars; and one stenographer and typewriter, who shall receive an annual salary of nine hundred dollars.

SEC. 4. The District Attorney may, in the name of the city and county, bid for and purchase property at execution sales under judgments for the recovery of fines, penalties, or forfeitures accruing to the city and county.

Chapter IV.—The Public Administrator.

SECTION 1. The Public Administrator shall be elected by the people, and he shall hold office for two years. He shall have all the powers conferred, and shall discharge all the duties imposed upon the Public Administrators of counties by the general laws of this State, except as in this charter otherwise specifically provided. He shall be entitled to all such fees as may be allowed by law to the Public Administrators of the counties of the State in full compensation for all his services.

Chapter V.—The County Clerk.

SECTION 1. The County Clerk shall be elected by the people, and shall hold office for two years. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the County Clerks of counties by the general laws of this State, and in addition thereto shall attend and act as Clerk of the Police Court, keep the dockets and registers thereof, and take charge of and safely keep all books, papers and records which may be filed or deposited in his office pertaining to the Police Court. He shall receive an annual salary of four thousand dollars.

SEC. 2. To aid him in the discharge of his official duties, the County Clerk may appoint a chief register clerk, who shall receive an annual salary of twenty-four hundred dollars; a cashier, who shall receive an annual salary of eighteen hundred dollars; twelve court-room clerks for the Superior Court, who shall each receive an annual salary of fifteen hundred dollars; five register clerks, who shall each receive an annual salary of eighteen hundred dollars; ten assistant register clerks, who shall each receive an annual salary of fifteen hundred dollars; sixteen copyists, who shall each receive an annual salary of twelve hundred dollars; and four clerks for the Police Court, who shall each receive an annual salary of fifteen hundred dollars.

SEC. 3. For copies of papers furnished and certified by him, he shall charge not more than eight cents for each one hundred words. For certifying copies, which are not prepared by him, he shall be entitled to charge twenty-five cents, and also forty cents an hour for the time exceeding one hour necessarily occupied in comparing such copies. He must certify all papers presented to him which are copies of any document, paper or record, or portions thereof, in his custody.

Chapter VI.—The Sheriff.

SECTION 1. The Sheriff shall be elected by the people, and he shall hold office for two years. He shall receive an annual salary of eight thousand dollars, which shall be in full compensation for all official services required of him by law; but said salary shall be exclusive of the compensation received by him from the State for the delivery of prisoners to the State prisons, and insane persons to the State asylums for the insane. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the Sheriffs of counties by the general laws of this State.

SEC. 2. He may appoint the following deputies and employes, who shall each respectively receive the following annual salaries:

One Under Sheriff, twenty four hundred dollars; one attorney, eighteen hundred dollars; one chief bookkeeper, eighteen hundred dollars; two assistant bookkeepers, fifteen hundred dollars; ten office deputies, fifteen hundred dollars; fourteen bailiffs, twelve hundred dollars; one chief jailer at branch jail number one, eighteen hundred dollars; ten jailers at branch jail number one, twelve hundred dollars; one superintendent of branch jails numbers two and three, eighteen hundred dollars; sixteen guards at branch jail number two, six hundred dollars; one matron at branch jail number three, nine hundred dollars; six guards at branch jail number three, six hundred dollars; one commissary to act for all jails, fifteen hundred dollars; one driver of van, nine hundred dollars; and one bookkeeper for all said branch jails, fifteen hundred dollars.

SEC. 3. The Sheriff may designate the services to be performed by his deputies.

Chapter VII.—The Justices' Courts.

SECTION 1. The Justices of the Peace shall each receive an annual salary of twenty-four hundred dollars, except the presiding Justice, who shall receive an annual salary of twenty-seven hundred dollars. They shall appoint a chief clerk, who shall hold office for two years, and receive an annual salary of twenty-four hundred dollars. The chief clerk may appoint five deputies, each of whom shall receive an annual salary of twelve hundred dollars.

Chapter VIII.—The Police Court.

SECTION 1. There is hereby created and established in and for the City and County of San Francisco a court to be known as the Police Court of the City and County of San Francisco. Said Court shall consist of four Judges, who shall be elected by the people and hold office for four years. They shall each receive an annual salary of thirty-six hundred dollars. They shall be electors of the city and county at the time of their election, and must have been such for at least five years next preceding such time. No person shall be eligible to the office of Judge of the Police Court who is not at the time of his election qualified to practice in all the courts of this State, and who has not been so qualified for at least five years next preceding his election. The court shall be divided into departments known as Department Number One, Department Number Two, Department Number Three, and Department Number Four. The Judges of such court may hold as many sessions of the court at the same time as there are Judges thereof. The Judges who shall be elected at the first election under this charter shall so classify themselves by lot that two of them shall go out of office in two years and two of them in four years.

They shall choose from their number a Presiding Judge, who shall serve for one year. The Presiding Judge shall assign the Judges to their respective departments; but any of the Judges may preside in any of the departments in the absence or inability of the Judge regularly assigned thereto.

The judgments, orders and proceedings of any session of the court held by any one or more of the Judges shall be equally effectual as if all the Judges had presided at such session.

SEC. 2. The Police Court of the City and County of San Francisco shall have:

First—Exclusive jurisdiction of all prosecutions for the violation of ordinances of the Board of Supervisors.

Second—Concurrent jurisdiction with the Superior Court of all other misdemeanors and of the examination of all felonies committed in the city and county.

Third—Said court, or any Judge thereof, shall have the same powers in all criminal actions, cases, examinations and proceedings as are now or may hereafter be conferred by law upon Justices of the Peace.

SEC. 3. Proceedings in said court shall be conducted in accordance with the laws of this State regulating proceedings in Justices' and Police Courts and appeals to the Superior Court; and said court, or any Judge thereof, shall have the same power in all criminal actions, cases and proceedings as are now or may be hereafter conferred by the general law of this State upon Justices of the Peace; *provided*, that:

First—No case shall be dismissed or fine imposed until the testimony for the prosecution shall be taken.

Second—Any defendant who neglects to file his statement on appeal within ten days after sentence shall lose his right to appeal, unless good cause for the delay be shown by affidavit. Press of business on the part of defendant's attorney shall not be deemed good cause for delay. Unless the District Attorney shall file amendments to the proposed statement on appeal within five days after the same shall have been filed and served, the proposed statement on appeal shall be the statement on appeal. The Judge before whom the case was tried shall settle the statement on appeal within five days after the District Attorney shall have filed his amendments to the proposed statement.

Third—Any person who shall solicit or importune any of said Judges, either before or after judgment, to dismiss a case, or mitigate a sentence, unless the same be done in open court, shall be guilty of a contempt of court.

Fourth—A complaint may be demurred to on the ground that it does not set forth the offense charged with such particularities of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of, and the complaint may be amended by permission of the court after a demurrer is sustained.

Fifth—A defendant in custody shall have the right to be tried before a defendant on bail, and felonies shall be heard before misdemeanors.

Sixth—The Judges of said court shall try all cases as speedily as possible, and must refuse continuances after the first calling of a case for trial except upon affidavit showing good cause therefor.

Seventh—Other than lawfully authorized surety companies, no person shall be eligible to be a bondsman for any defendant on trial in the Police Court, or on appeal from a judgment therein, except he take an oath that the property specified in the undertaking is in the City and County of San Francisco, and that he is worth the amount specified exclusive of property exempt from execution, and exclusive of all demands for which he may become liable by reason of the forfeiture of any appeal or bail bonds for which he is surety.

SEC. 4. The District Attorney, either in person or by his assistants, must be present at the sessions of the court and attend to the prosecution of all cases coming before it,

and make out all complaints and warrants for the arrest of persons charged with crime to be prosecuted in said court.

SEC. 5. The District Attorney shall appoint a warrant and bond clerk, who shall receive a salary of twenty-four hundred dollars a year, and three assistant warrant and bond clerks, each of whom shall receive a salary of fifteen hundred dollars a year. No person shall be appointed a warrant and bond clerk who is not at the time of his appointment qualified to practice in all the courts of this State. The warrant and bond clerk shall keep his office open continuously night and day for the transaction of business; shall draw complaints in actions in the Police Court, and approve the same with his written signature; shall have the custody of all bail bonds and appeal bonds taken in the Police Court; shall examine the sufficiency of every bail bond and appeal bond taken in the Police Court and make a return thereon, within forty-eight hours after such bond shall have come into his possession, in the following form:

"I,, Warrant and Bond Clerk of the City and County of San Francisco, have examined the within bond and find it good in law. I have examined the records of the City and County of San Francisco, and find the property, its owners and incumbences herein described, to be correct according to said records. (Signed, Warrant and Bond Clerk)".

The warrant and bond clerk shall indorse upon the bond the time when it was issued by him, or when it came into his possession. He may issue bail bonds and appeal bonds when the liability thereof does not exceed two thousand dollars, and order the discharge from custody of the persons for whom the bonds are issued; and he may take cash bail to the extent in any one case of one thousand dollars. He must account for and pay to the Treasurer all moneys received as bail in the manner that the County Clerk is required by law to account for and pay moneys received as fees. No clerk of the Police Court shall ever take bail or order the release of any one charged with an offense.

SEC. 6. In the matter of fixing bail and ordering the release of prisoners the warrant and bond clerk shall be subject to the Judges of the Police Court, and any violation of a valid order of any of said Judges shall be a contempt of court.

SEC. 7. For any failure to keep the office of the warrant and bond clerk open continuously he shall be immediately removed from office by the District Attorney or by the Mayor.

SEC. 8. It shall be a misdemeanor for any person other than a Judge of some court in the city and county, or other than said warrant and bond clerk, to receive bail money for defendants or to order their discharge.

SEC. 9. All demurrers to complaints, notices of motion, statements and bills of exception on appeal to the Superior Court, must be served upon the Assistant District Attorney acting in the department of the court in which the case is set for hearing, or heard or tried.

SEC. 10. The County Clerk shall be the clerk of the Police Court, and he must be present either in person or by deputy, at all sessions of the court in the departments thereof; call the daily calendar of the departments, and keep full and complete records of all cases in the court and the disposition made thereof by the court.

SEC. 11. The Police Judges may appoint not more than two competent stenographers, who shall attend the sessions of the court and take notes of all preliminary examinations made at the sessions, and transcribe into typewritten long-hand all evidence taken by either of them where the parties charged have been held for trial, and deliver one copy of the same to the clerk and one copy to the District Attorney. Each of such stenographers shall be paid for all his services, including transcription and all stationery used by him, an annual salary of twenty-four hundred dollars.

SEC. 12. The Mayor may, in writing, appoint any Justice of the Peace to act as Judge of the Police Court, or any department thereof, during the temporary absence or inability of the Judge to act.

SEC. 13. The Chief of Police shall cause to be made out and delivered to each of the clerks of the court at or before nine o'clock in the forenoon of each day a calendar of arrests in which the cases shall have been assigned to the departments of the court in accordance with the rules and regulations established by the Police Judges. The calendar shall state "the offense charged"; whether the defendant is "in custody" or "on bail"; "the amount of bail"; "whether cash or bond," and "the name of the arresting officer."

SEC. 14. The Chief of Police shall appoint one or more police officers to attend the sessions of the Police Court in each department thereof to preserve order and execute the orders of the court.

SEC. 15. The Police Judges shall adopt all necessary rules and regulations for conducting the business of the court.

SEC. 16. No attorney shall appear in said court to prosecute or defend persons charged with offenses unless at the time of his appearance he be qualified to practice law in all the courts of this State.

SEC. 17. The term of office of the Police Judges elected at the general election held in the year eighteen hundred and ninety-eight shall terminate at the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and they shall at said time be succeeded by the Police Judges provided for in this chapter; and all proceedings pending in said court shall be transferred to the Police Court created under this charter, and the Judges elected as herein provided shall have and obtain jurisdiction of the same.

Chapter IX.—The San Francisco Law Library.

SECTION 1. The Supervisors must provide, fit up and furnish, with fuel, lights, stationery, and all necessary conveniences, attendants and care, rooms convenient and accessible to the judges and officers of the courts and of the municipal government sufficient for the use and accommodation of the San Francisco Law Library, established under an Act of the Legislature of this State entitled: "An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the courts held at San Francisco, the bar, the city and county government and the people of the City and County of San Francisco," approved March 9, 1870. The Supervisors must appropriate, allow, and order paid out of the proper fund such sums as may be necessary for the purposes aforesaid; and all sums lawfully appropriated and expended pursuant hereto shall be paid out of the proper fund on demands duly audited, in the mode prescribed by this charter for auditing other demands upon the treasury. The County Clerk must pay monthly to the treasurer of the San Francisco Law Library such moneys as he shall collect under the Act referred to for the benefit of said law library.

ARTICLE VI.

DEPARTMENT OF PUBLIC WORKS.

Chapter I.—The Board of Public Works.

SECTION 1. There shall be a Department of Public Works under the management of three commissioners, who shall constitute the Board of Public Works, and who shall give all their time during official business hours to the duties of their office. The members of said board shall be appointed by the Mayor. Of those first appointed he shall appoint one for one year, one for two years, and one for three years. Each year thereafter he shall appoint for three years one person as the successor of the commissioner whose term of office expires in that year. All such appointments shall be so made that not more than one member shall at any one time belong to the same political party. No person shall be eligible for appointment as such commissioner unless he is, and has been for at least five years next preceding his appointment, an elector of the city and county. Each of said commissioners shall receive an annual salary of four thousand dollars.

SEC. 2. Of the commissioners first appointed under this charter, one shall be designated by the Mayor to serve as president for one year. All subsequent presidents of the board shall be elected by the members thereof for terms to be fixed by said board. The president of the board shall in each case hold office until his successor has been elected or until his membership on the board expires.

SEC. 3. The board may appoint a secretary, who shall receive an annual salary of eighteen hundred dollars. The board may employ such clerks, superintendents, inspectors, engineers, surveyors, deputies, architects and workmen as shall be necessary to a proper discharge of their duties under this article, and fix their compensation; but no compensation to any of said persons shall be greater than is paid in the case of similar employments.

SEC. 4. The board shall establish all necessary rules and regulations for its government, and for the performance of its duties, and for the regulation and conduct of its officers and employes; and shall require adequate bonds from its officers and employes, except laborers, for the faithful performance of all their duties, in such sums as may be fixed by the Supervisors. Said bonds shall be approved by the Mayor and shall be filed in the office of the Auditor.

SEC. 5. The board shall hold regular meetings at least once each week at a place and time to be fixed by resolution entered on its minutes. No changes in place or time of regular meetings shall be made without a resolution passed at least two weeks before the time the change is to go into effect. Such special meetings may be held as the commissioners may deem necessary after notice of the same has been posted ten hours before the time of holding any such meeting. All meetings shall be public. No business shall be transacted at an adjourned meeting except such as may have been under, or proposed for, consideration at the meeting from which the adjournment was had. No business shall be transacted at a special meeting except that which is named in the notice of said meeting. Special meetings may be called by any member of the board. In every case where a power is exercised under this article by the board the vote thereon shall be taken by ayes and noes.

SEC. 6. The board shall keep and preserve a record of all its proceedings, and copies of all plans, specifications, reports, contracts, estimates, certificates, receipts, surveys, field notes, maps, plats, profiles, and of all papers pertaining to the transactions of the board. The secretary of the board shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. The secretary shall post and publish all orders, resolutions, and notices as required in this chapter or which the board shall order to be posted or published. He shall perform such other duties as may from time to time be prescribed by the board.

SEC. 7. The board shall be the successor in office and shall have all the powers and perform all the duties of the Superintendent of Streets, Highways and Squares, of the New City Hall Commissioners, and of the commissions in existence at the time this

charter goes into effect, for the opening, extending, widening, narrowing, straightening, closing or changing the grades of streets in the city and county.

SEC. 8. The board shall immediately after its organization take possession and have the custody and control of all maps, plats, surveys, field notes, records, plans, specifications, reports, contracts, models, machinery, instruments, tools, appliances, contract rights, privileges, books, documents and archives and other property belonging to the city and county, or which may be of value and importance to the city and county, and heretofore kept by or in the offices of the City and County Surveyor, the Superintendent of Public Streets, Highways and Squares, the Board of New City Hall Commissioners, and all commissions in existence at the time this charter goes into effect for the opening, extending, widening, narrowing, straightening, closing, or changing the grades of streets, and all other business and works pertaining to any of said offices or commissions.

SEC. 9. The Board of Public Works shall have charge, superintendence, and control, under such ordinances as may from time to time be adopted by the supervisors:

1. Of all public ways, streets, avenues, lanes, alleys, places, courts, roads, highways, and boulevards now opened or which may hereafter be opened in the city and county; of the manner of their use; and of all work done upon, over, or under the same; and herein particularly the board shall have exclusive authority to prescribe rules and grant permits, in conformity with the ordinances of the Supervisors, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks, and of temporary fences enclosing areas upon the sidewalks; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for electric lighting, and the laying under the surface of the streets or sidewalks of telegraph or telephone wires, and wires for electric lighting and power; the construction of drains and sewers; the laying down and taking up of gas, steam, and water pipes, pneumatic or other tubes or pipes, and sewers and drains, and determining the location thereof; the using of the street, or any portion thereof, for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use; and without such permission, in writing, from said board no person shall do any of the acts in this section enumerated; but nothing in this section shall be so construed as to give said board the power to grant permits for or allow the permanent encroachment upon any sidewalk of any structure;

2. Of all sewers, drains, and cesspools, and of the work pertaining thereto or to the drainage of the city and county.

3. Of the cleaning and sprinkling of all public streets, avenues, alleys, places, courts, roads, highways, and boulevards, and the lighting of the same, and the lighting of the parks, squares, and other public places and public buildings;

4. Of the cleaning of all the public buildings of the city and county and of the appointment of such janitors and employes as are needed for such purpose;

5. Of the supervision of any and all building construction in the city and county;

6. Of the construction of any and all public buildings and structures, under plans duly approved by the various departments, including all school-houses and fire department buildings, and the repair and maintenance of any and all buildings and structures owned by the city and county;

7. Of any and all wires and conduits, the collection and disposal of street refuse, garbage and sewage, and the designing, construction, and maintenance of the sewerage and drainage systems of the city and county;

8. Of any and all public utilities owned, controlled, or operated by the city and county, or which may hereafter be so owned, controlled, or operated.

9. When at any time any person, company or corporation desires to have opened or torn up the roadway of any street, lane, alley, place or court in the city and county for any purpose, a written application shall be made to the Board of Public Works for permission to do so. The board shall thereupon make an estimate of the expense of opening or tearing up such street, lane, alley, place or court and of restoring the same to as good a condition as it was in before said opening or tearing up. Such person, company or corporation must thereupon deposit the amount of such estimate with the Board of Public Works, which shall thereupon pay the same into the General Fund.

The board shall thereupon proceed to open or tear up said street, lane, alley, place or court as in said application requested, and shall at the proper time restore such street, lane, alley, place or court to as good a condition as it was in before said opening or tearing up. Contracts for the doing of such work by the board may be let by it in the manner provided in this chapter, or the work may, at the option of the board, be done by days' labor.

If the expense of such work has been more than the aforesaid estimate, the person, company or corporation shall be indebted to the city and county for such balance; and the same shall constitute a lien upon the property of such person, company or corporation. Said lien shall remain in force until such balance has been paid, or until the lien shall be legally discharged. Said lien may be enforced by suit brought by the city and county in accordance with the provisions of the Code of Civil Procedure of the State of California. If the expense of such work has been less than the aforesaid estimate, then the surplus shall constitute a claim in favor of such person, company or corporation, against the city and county, and as such shall be presented, approved and paid as other claims.

SEC. 10. All examinations, plans and estimates required by the Supervisors in connection with any public improvements or utilities, shall be made by the Board of Public Works, and it shall, when requested to do so, furnish information and data for the use of the Supervisors.

SEC. 11. Said board shall appoint a civil engineer of not less than five years' practical experience as such, who shall be designated the City Engineer. He shall hold his office at the pleasure of the board.

He shall perform all the civil engineering and surveying required in the prosecution of the public works and improvements done under the direction and supervision of said board, and shall certify to the progress and completion of the same, and do such other surveying or other work as he may be directed to do by said board or by the Supervisors. He shall possess the same power in the city and county in making surveys, plats and certificates as is or may from time to time be given by law to City Engineers and to County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of City Engineers and County Surveyors. No street assessment shall be valid without his certificate as to the quantities and unless it be to the effect that the work has been done to the official lines, elevations and grades.

SEC. 12. He shall serve the board exclusively and shall not be engaged in any other business while he is in its service. He shall receive no compensation except his salary. The board shall by resolution establish fees and charges for the services to be performed by the City Engineer for persons, companies and corporations, and may from time to time change and adjust the same. Said Engineer shall require such fees or charges to be paid in advance for any official act or service demanded of him, and such moneys thus paid shall be paid to the Treasurer and credited by him to such fund or funds as said board may direct.

SEC. 13. The board shall appoint the necessary heads of departments under its charge. Each such head shall have the sole executive control in his own department, subject to the rules and regulations prescribed by the board.

SEC. 14. All public work authorized by the Supervisors to be done under the supervision of the Board of Public Works shall, unless otherwise determined by the Board of Public Works, be done under written contract, except in case of urgent necessity as hereinafter provided; and except as otherwise specifically provided in this charter, the following proceedings shall be taken in all cases in the matter of the letting of contracts by said board: Before the award of any contract for doing any work authorized by this article, the board shall cause notice to be posted conspicuously in its office for not less than five days, and published for the same time, inviting sealed proposals for the work contemplated; except, however, that when any repairs or improvement, not exceeding an estimated cost of five hundred dollars, shall be deemed of urgent necessity by the board, such repairs or improvement may be made by the board under written contract or otherwise, without advertising for sealed proposals.

SEC. 15. Said advertisement and notice shall invite sealed proposals to be delivered at a certain day and hour at the office of the board for furnishing the materials for the proposed work, or for doing said work, or for both, as may be deemed best by the board, and shall contain a general description of the work to be done, the materials to be furnished, the time within which the work is to be commenced, and when to be completed, and the amount of bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work and materials.

SEC. 16. All proposals shall be made upon printed forms to be prepared by the board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine, and not collusive or sham; that he has not colluded, conspired, connived, or agreed, directly or indirectly, with any other bidder or person to put in a sham bid, or that such other person shall refrain from bidding; and has not in any manner sought by collusion to secure any advantage against the city and county, or any person interested in said improvement, for himself or any other person. All bids shall be clearly and distinctly written, without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall not be received or considered by the board. Any contract made in violation of any of the foregoing provisions, and in the case of improvement of streets, any assessment for the work done under such contract, shall be absolutely void.

All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the clerk of the Supervisors, for an amount not less than ten per centum of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check.

No person, corporation, or firm shall be allowed to make, file, or be interested in, more than one bid for the same work. If on the opening of said bids more than one bid appear in which the same person, corporation, or firm is interested, all such bids shall be rejected.

SEC. 17. On the day and at the hour specified in said notice inviting sealed proposals the board shall assemble and remain in session for at least one hour, and all bids shall be delivered to the board while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the board shall be considered. Each bid as it shall be received shall be numbered and marked "Filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertise-

ment within which the bids will be received, the board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the board by the secretary. Before adjourning the board shall compare the bids with the record made by the secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the secretary of the board in some conspicuous place in the office of the board, and be published for the same period of time.

The board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city and county, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the board shall return all the checks to the proper parties and again invite sealed proposals as in the first instance.

The check accompanying the accepted bid shall be held by the secretary of the board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract to do said work, as herein-after provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city and county, and shall be collected and paid into the General Fund. Neither the Board of Public Works nor the Supervisors shall have power to relieve from or remit such forfeiture.

SEC. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the board shall advertise for a new contract for said work.

SEC. 19. In the case of improvement of streets, the owners of the major part of the frontage of lots and lands upon the street whereon the work is to be done, or which are liable to be assessed for said work, or, in the case of an assessment district, the owners of a major part of the superficial area embraced in such district, or their agents, shall not be required to present sealed proposals, but may, upon making oath that they are such owners, or the agents of such owners within ten days after the first posting of notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should such owners not enter into a written contract therefor within said ten days, or should they enter into such contract and fail to commence the work within the time stated therein, which time shall not be less than ten nor more than twenty days from the time of the execution of such contract, the board shall enter into a contract with the original bidder to whom the contract was awarded at the price specified in his bid. If the original bidder shall fail or refuse for fifteen days after the first posting of notice of the award to enter into the contract, the board shall again advertise for proposals as in the first instance.

SEC. 20. If the owners or contractor who may have entered into any contract do not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, the board may relet the unfinished portion of said work in accordance with the provisions in this chapter prescribed for the letting of the whole.

SEC. 21. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the material to be used.

Every contract entered into by the board shall be signed by all the members thereof and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Clerk of the Supervisors; one thereof, with said specifications and drawings, shall be kept in the office of the board, and the other, with said specifications and drawings, shall be delivered to the contractor.

At the same time with the execution of the contract the contractor shall execute to the city and county and deliver to the secretary of the board a bond in the sum named in the notice for proposals, with two or more sufficient sureties, to be approved by the board, or shall deposit with the secretary a certified check upon some solvent bank for said amount, for the faithful performance of the contract. No surety on any bond, other than lawfully authorized surety companies, shall be taken unless he shall be a payer of taxes on real property, the assessed value of which, over and above all incumbrances, is equal in amount to his liabilities on all bonds on which he may be security to the city and county; and each surety shall justify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment book of the city and county in his own name for real property in an amount greater than his liability on all bonds on which he is surety to the city and county, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the board, the Supervisors may extend said time; but in no event shall the time for the performance of said contract be extended by the Supervisors more than ninety days beyond the time originally fixed for its completion; but, on the unanimous recommendation of the Board of Public Works, a further extension

may be granted by vote of fourteen members of the Board of Supervisors. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Supervisors shall not pay or allow to him any compensation for any work done by him under said contract; and, in the case of the improvement of streets, no assessment shall be made for the work done under said contract.

SEC. 22. The work in this article provided for must be done under the direction and to the satisfaction of the Board of Public Works; and the materials used must be in accordance with the specifications and be to the satisfaction of said board, and all contracts provided for in this article must contain a provision to that effect, and also, that in no case, except where it is otherwise provided in this charter, will the city and county, or any department or officer thereof, be liable for any portion of the expense, or in the case of improvement of streets, for any delinquency of persons or property assessed.

When said work shall have been completed to the satisfaction and acceptance of the board, it shall so declare by resolution, and thereupon the board shall deliver to the contractor a certificate to that effect.

Chapter II.—Improvement of Streets.

SECTION 1. All streets, lanes, alleys, places, or courts in the city and county now open, or dedicated, or which may hereafter be opened, or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places, or courts, for the purposes of this chapter; and the Supervisors are hereby empowered to fix the width and grade thereof, and to order to be done therein and thereon any and all street work and street improvement under the proceedings hereinafter described.

SEC. 2. Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this article, be made in writing to the Board of Public Works; and if the expense thereof is to be assessed upon private property, the board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the Supervisors; and the Supervisors shall not order any such improvement until the same has been recommended by said board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors. If an application is made for any work or improvement of which the expense is to be paid by the city and county, and the Board of Public Works shall not approve of such application, it shall report to the Supervisors its reasons for such disapproval, and the Supervisors may then, after having obtained from the Board of Public Works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors, order the doing of said work, or the making of said improvement.

The Board of Public Works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the city and county, though no application may have been made therefor, and must make, with said recommendation to the Supervisors, an estimate of the expense, and in such case the Supervisors may order the same done.

No street work or street improvements of any kind shall be ordered to be done by the Supervisors unless a written recommendation to do the same has been made to them by the Board of Public Works; and all such recommendations shall be made matters of record in the office of said board.

When the board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the Supervisors with said recommendation.

SEC. 3. Before recommending to the Supervisors the ordering of any work or improvement, the expense of which, or any part thereof, is to be assessed upon private property, the Board of Public Works shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it shall take final action upon said resolution.

Upon the passage thereof the secretary of the board shall forthwith, without any further authority, cause a copy of said resolution to be posted conspicuously for five days in the office of said secretary, and to be published for a period of ten days (legal holidays excepted) and cause a copy to be deposited in the postoffice at the city and county, with postage prepaid, addressed to each person represented on the assessment book of the city and county for the next preceding fiscal year as being owner of land liable to be assessed for said improvement; but if said lot stand on said book in the name of unknown owners, such notice need not be sent.

The board shall also cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet in distance apart, notices, not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of Street Work" in letters of not less than two inches in length, and shall in legible characters state the fact of the passage of said resolution, its date, and briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars.

SEC. 4. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, and, in the case of a district, those owning more than one half of the superficial area of the district, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the secretary of the Board of Public Works, who shall indorse thereon the date of its reception by him. Such objections shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of the one half or more of the frontage or of the district, as aforesaid, shall meanwhile petition for the same to be done, and the same shall, after the expiration of said six months, be continued under the resolution of intention first passed, if said board shall deem proper. If, however, the owners of at least two thirds of the property fronting on said proposed work or improvement, and, in the case of a district, those owning at least two thirds of the superficial area of the district, shall make written objections to the same within said six months, no further proceedings shall be taken under the aforesaid resolution of intention.

When the work or improvement proposed to be done is the construction of sewers, manholes, culverts or cesspools, and the objections thereto are signed by the owners of a majority of the frontage or of the district, as aforesaid, the board shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The secretary shall thereupon notify the persons making such objections, by depositing a notice thereof in the post office at the city and county, postage prepaid, and addressed to each objector or his agent when he appears for such objector. At the time specified the board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive, and if said objections are overruled the proceedings shall be continued as though no objections had been made.

At any time before the making of the assessment as hereinafter provided, all owners of lots of land liable to assessment therein who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such petition or remonstrance shall be passed upon by the board, and its decision thereon shall be final and conclusive.

SEC. 5. When the contemplated work or improvement in the opinion of the Board of Public Works is of more than local or ordinary public benefit, it may recommend to the Supervisors that the expense of such work or improvement be made chargeable upon a district, and said board shall in its resolution of intention set out the district benefited by said work or improvement and to be assessed to pay the expense thereof. Objections to the extent and boundaries of the district of lands to be benefited by said work or improvement may be made by any interested party in writing, within ten days after the expiration of the time of publication of the resolution of intention.

The secretary of the board shall lay said objections before it and the board shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The secretary shall thereupon notify the persons making such objections by depositing a notice thereof in the post office at the city and county, postage prepaid, addressed to each objector. At the time specified the board shall hear the objections urged and pass upon the same, and if said objections are overruled, its decision shall be final and conclusive as to the extent and boundaries of the district.

If the objections are sustained, the board shall proceed to set out another district to the extent and boundaries of which objections may be made and a hearing had thereon as above provided; and so on in like manner until a district has been set out to the extent and boundaries of which all objections shall be overruled by the board—its decision in that behalf to be final and conclusive; and thereupon the proceedings shall continue the same as if no objections had been made. In its report to the Supervisors the board shall accompany its report with a diagram on which shall be delineated each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work or improvement proposed to be done within the limits of the district. Such diagram shall be certified to be correct by the secretary of the board.

SEC. 6. When the work under any contract shall have been completed, the contractor shall make and file in the office of the Board of Public Works an affidavit to the effect that he has not entered into any private agreement, verbal or written, with any person liable to be assessed for said work, or with any one on his behalf, to accept a price from him less than the price named in said contract, or to make any rebate or deduction to him from such price. Any such agreement shall be deemed a fraud upon all persons liable to be assessed for such work other than the property owners who were parties to the agreement, and shall make void, as to such persons so defrauded, any assessment made for the work done under such contract; and where there is more than one contractor each contractor shall make such affidavit.

SEC. 7. When any work in or upon any public street shall have been completed according to contract, and the affidavit mentioned in the next preceding section shall have been made, the board shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of this article, according to the nature and character of the work. The assessment shall briefly refer to the contract, the work contracted for and

performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot (if known to the board, and if not known, the word "unknown" shall be written opposite the number of the lot and the amount assessed thereon); the number of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for said work. A mistake in the name of the owner shall not invalidate any assessment.

When the expense of such work falls in part upon any person, company or corporation having railroad tracks upon the street where such work has been done, said assessment shall include an assessment against said person, company or corporation, for its legal proportion of said expense, and the same shall constitute a lien upon the road-bed, rolling stock, franchises and other property of such person, company or corporation, for a period of two years from the date of recording the warrant, assessment and diagram hereinafter provided for.

Sec. 8. The expense of all work or improvement done upon any part of said streets, lanes, alleys, places or courts, under the order of the Supervisors, shall be borne and paid for as follows:

First—The city and county shall pay out of the General Fund the expense: (a) Of all work done on streets, crossings and intersections of streets that have been or may be accepted by the city and county, after the acceptance of the same, and all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways. (b) Of all work done in front of, or that may be assessed to, property owned by the city and county or by any department thereof. (c) Of all work done in front of, or that may be assessed to, property owned by the United States.

Second—The expense of all sewers, cesspools, manholes, culverts and drains, and of all grading, planking, macadamizing, paving, piling and capping any street, or portion thereof, and of all curbs thereon, and of all work done on sidewalks, shall be assessed upon the lands within the block or blocks adjacent thereto as herein provided, except where by an assessment district it may be provided otherwise.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company or corporation, having railroad tracks thereon, shall be borne and paid for by such person, company or corporation, and shall be included in the assessment hereinbefore provided for.

No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding assessment book of the city and county.

Sec. 9. Subdivision One—Except where the expense incurred for the street work and improvement authorized herein is to be assessed upon a district as hereinafter provided, such expense, other than that to be paid by a person, company or corporation having tracks on the street where such work and improvement has been done, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed in proportion to the frontage at a rate per front foot sufficient to cover the total expense of the work.

Subdivision Two—The expense of all improvement except such as is done by contractors under the provisions of section sixteen of this chapter, until the streets, avenues, street crossings, lanes, alleys, places, or courts are finally accepted, as provided in section twenty-three of this chapter, shall be assessed upon the lots and lands as provided in this section according to the nature and character of the work.

Subdivision Three—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot on the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Subdivision Four—Where a main street terminates in another main street, the expense of the work done on one-half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main street, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street if it does not meet another.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place, or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision Seven—Where a subdivision street, avenue, lane, alley, place, or court, terminates in another street, avenue, lane, alley, place, or court, the expense of the work

done on one half the width of the subdivision street, avenue, alley, place, or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street or avenue, lane, alley, place, or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, avenue, lane, alley, court, or place or the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Subdivision Eight—Where any work mentioned in this chapter, manholes, cess-pools, culverts, crosswalks, piping and capping excepted, is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street, the assessment to cover the total expense of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. When sewerage or resewering is ordered to be done under the sidewalk or only on one side of a street for any length thereof, the assessment for its expense shall be made only upon the lots and lands fronting nearest upon that side, and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

Subdivision Nine—Any owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the supervisors, may perform at his or their own expense (after obtaining permission from the Board of Public Works so to do, but before said board has passed its resolution of intention to recommend grading inclusive of this) any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon may procure, at his or their own expense, a certificate from the City Engineer setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter may file said certificate in the office of the board. Said certificate shall be recorded in a properly indexed book kept for that purpose in the office of the board. Whenever thereafter the supervisors order the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contract must express the price by the cubic yard for cutting and filling in grading, and such owner or owners and his or their successors in interest, shall be entitled to credit on the assessment upon his or their lots and lands fronting on said street for grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been legally changed, only for so much of said certified work as would be required for grading to the grade as changed. Such owner or owners shall not be entitled to any credit that may be in excess of the assessments for grading upon the lots and land owned by him or them, and proportionately assessed for the whole of said grading. The board shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the changed grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned respectively by said certified owners and their successors in interest; but he shall not include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. When any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work, except grading on such street, in front of any block, at his or their own expense, and the supervisors shall subsequently order any work to be done of the same class in front of the same block, the work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision ten of this section; but the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the Board of Public Works at the time said order is passed.

Subdivision Ten—The Board of Public Works may include in the resolution of intention any of the different kinds of work mentioned in this chapter, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; but this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of this section.

Subdivision Eleven—When the resolution of intention declares that the expense of the work and improvement is to be assessed upon a district, immediately after the contractor has fulfilled his contract to the satisfaction of the Board of Public Works, or to the satisfaction of the supervisors on appeal, the Board of Public Works shall proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by the diagram provided for in section five of this chapter, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the expense of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and

subdivisions of land in said district benefited thereby, to wit: Upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in this chapter.

SEC. 10. If at any time there shall be any street work or improvement done, and none of the methods hereinbefore provided are legally sufficient to authorize the Board of Public Works to make an assessment to pay for the expense thereof, then said board shall, before it passes a resolution of its intention to recommend the ordering of said work or improvement, establish by resolution a method by means of which such assessment shall be made; and on the completion of the work or improvement to the satisfaction of said board, or to the satisfaction of the Supervisors on appeal, said board shall make an assessment to pay the expense thereof according to the method established by said resolution.

SEC. 11. In making all assessments the Board of Public Works shall act as a board, and the assessment shall be authenticated by the signatures of all the members thereof.

SEC. 12. To said assessment shall be attached a warrant which shall be signed by the president of the Board of Public Works and countersigned by the secretary thereof. Said warrant shall be substantially in the following form:

By virtue hereof the Board of Public Works of the City and County of San Francisco, by the authority vested in it, does authorize and empower (name of contractor) his (or their) agents, or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his (or their) warrant for the same.

(Date) ———. (Name of president of Board of Public Works.)

Countersigned by (Name of secretary of Board of Public Works.)

Said warrant, assessment, and diagram shall be recorded in the office of the board. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, and diagram, all persons interested in said assessment shall be deemed to have notice of the contents of the record thereof.

After said warrant, assessment, and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the board of the incidental expenses not previously paid by the contractor or his assigns. By virtue of said warrant said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

When it shall appear by the final judgment of any court in this State having jurisdiction to render such judgment, that any suit brought to foreclose the lien of any assessment for street work made under this chapter, or in the recording thereof, has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality thereof or therein, or in the return on the warrant issued pursuant to any such assessment, or in the recording of any such warrant, any person interested therein may, at any time within seven months after the entry of said final judgment, apply to the board for another assessment to be issued in conformity to law; and the board shall, within sixty days after the time of said application, make and deliver to said applicant a new assessment, diagram, and warrant in accordance with law, and sign, record, and authenticate the same as above provided. Such assessment shall be a lien upon the lots of land set out therein for the period of two years from the date of its recording, and suit may be brought to enforce said lien as provided in this chapter. Should such final judgment be that of the Superior Court for the city and county, and an appeal therefrom to the Supreme Court of the State has been taken, no such other assessment shall be made until said appeal has been determined.

SEC. 13. The contractor or his assigns, or some person on his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person on his or their behalf, shall receipt the same upon the assessment in the presence of the person making such payment, and shall also give a receipt if demanded. When the persons so assessed, or their agents, cannot conveniently be found or when the owner of the lot is stated as "unknown" upon the assessment, then said contractor or his assigns, or some person on his or their behalf, shall publicly demand payment on the premises assessed.

The warrant shall be returned to the Board of Public Works within thirty days after its date with a return indorsed thereon, signed by the contractor or his assigns, or some person on his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the secretary of the board shall record the return so made in the margin of the record of the warrant and assessment.

The board can at any time receive the amount due upon any assessment and warrant issued by it and give a good and sufficient discharge therefor; but no such payment so made after suit has been commenced shall operate, without the consent of the plaintiff in the action, as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff.

The board may release any assessment upon the books of its office on the payment to it of the amount of the assessment with interest against any lot or on the production to it of the receipt of the party or his assigns to whom the assessment and warrant were issued. If any contractor shall fail to return his warrant within the time and in the

form provided in this section he shall thenceforth have no lien upon the property assessed; but if any warrant is lost, upon proof of such loss a duplicate may be issued, upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of seven per centum per annum until paid.

SEC. 14. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this chapter, or in the assessment, feeling aggrieved by any act or determination of the Board of Public Works in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the board, shall, within thirty days after the date of the warrant, appeal to the Supervisors, by briefly stating their objections in writing and filing the same with the Clerk of the Supervisors. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal the Supervisors may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the board relative to said work, may confirm, amend, set aside, alter, modify or correct the assessment in such manner as to them shall seem just; and require the work to be completed according to the directions of the Supervisors, and may at their option direct the Board of Public Works to correct the warrant, assessment or diagram in any particular, or to make and issue a new warrant, assessment and diagram to conform to the decisions of the Supervisors in relation thereto.

All the decisions and determinations of the Supervisors, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities, which the Supervisors might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the Supervisors, as provided in this section, for any error, informality or other defect in the proceedings prior to the assessment, or in the assessment itself, where the Board of Public Works has acquired jurisdiction to make the same.

SEC. 15. At any time after the period of thirty-five days from the day of the date of the warrant, or if an appeal has been taken to the Supervisors, then, at any time after five days from the decision of the Supervisors on such appeal, or after the return on the warrant, after the same may have been corrected, altered or modified, as herein provided, but not less than within thirty-five days from the date of the warrant, the contractor or his assignee may sue in his own name the owner or the mortgagee of the land, lots, or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of seven per centum per annum until paid.

In all cases of recovery under the provisions of this chapter the plaintiff shall recover the sum of fifteen dollars in addition to the taxable costs, as attorney's fees, but not any percentage upon said recovery. When suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees in addition to all taxable costs, notwithstanding that the suit may be settled or a tender be made before a recovery in said action, and he may have judgment therefor.

Said warrant, assessment and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the Board of Public Works and of the Supervisors upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the lots of land assessed, and to order such premises to be sold on execution as in other cases of the sale of real estate by the process of said courts. In all actions brought to enforce the lien of assessments made pursuant to the provisions of this chapter, the proceedings therein shall be governed and regulated by the provisions of this chapter, and, when not in conflict herewith, by the codes of this State.

SEC. 16. When any portion of the roadway of any street, avenue, lane, alley, court or place, or any portion of any sidewalk in the city and county, none of which has been accepted by the Supervisors as in this chapter provided, shall be so out of repair as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the Board of Public Works shall require the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court or place, by a notice in writing, to be delivered to them or their agents personally, to repair forthwith said portion of said street, avenue, lane, alley, court or place, to the center line thereof, in front of the property of which he is the owner or tenant, or occupant. The board shall particularly specify in said notice what work is required to be done and what material shall be used in said repairs. If said repairs be not begun within five days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the board may make such repairs, or enter into a contract with any suitable person, at the expense of the owner, tenant or occupant, after the specifications for the doing of said work shall have been conspicuously posted

by it in its office for three days, inviting bids for the doing of said work. Said bids shall be delivered to it at its office on or before the second day after the completion of said posting, and opened by it on the next day following; whereupon the contract shall be awarded to the lowest responsible bidder.

All of said bids shall be preserved in the office of the board, and shall be open at all times after the letting of the contract to the inspection of all persons; and such owner, tenant, or occupant, shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of the board. Upon the completion of such repairs by the contractor as aforesaid to the satisfaction of the board, it shall make and deliver to the contractor a certificate to the effect that such repairs have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that the Board of Public Works has accepted the same.

Sec. 17. If the expense of the work and material for the repairs provided for in the last preceding section be not paid on demand to the contractor so employed, or his agent or assignee, said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant for the amount contracted to be paid; and the certificate provided for in said section shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the Board of Public Works in a book kept by it in the office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien as in case of other assessments provided for in this chapter.

Sec. 18. In addition to the remedies above given the Supervisors may prescribe the penalties that shall be incurred by any owner or person neglecting or refusing to make repairs when required, as hereinbefore provided. Such penalties shall be enforced for the use of the city and county by prosecution in the name of the people of the State of California in the court having jurisdiction thereof, and may be applied in the case of fines, to the payment of expense of any such repairs not otherwise provided for.

Sec. 19. The person owning the fee, or the mortgagee of such fee, or the person who, on the day the action is commenced, appears by deed duly recorded in the County Recorder's office of the city and county, to have the legal title to the land, or the person in possession of lands, lots, portion of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as executor, administrator or guardian of the owner, shall be regarded, treated and deemed to be the "owner" for all the purposes of this chapter. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Sec. 20. Any tenant or lessee of any lot of land on which has been imposed an assessment under the provisions of this chapter may pay said assessment, or he may discharge any liability imposed thereon by virtue of the provisions of this chapter, or he may redeem the property within the time prescribed by law, if legally sold on execution, and may deduct the amount so paid from the rents due and to become due from him; and he shall have a lien upon, and may retain possession of, said lots until the amount so paid and advanced, with legal interest thereon, be satisfied from accruing rents or by payment by the owner.

Sec. 21. The records kept by the Board of Public Works shall have the same force and effect as other public records, and duly certified copies therefrom may be used in evidence with the same effect as the originals. Said records shall, during all office hours, be open, free of charge, to the inspection of any citizen wishing to examine them.

Sec. 22. Notices in writing required to be given by the board may be served by any person over the age of twenty-one years, and the fact of such service may be verified by the oath of the person making it. Such oath may be taken before the secretary of said board or before any member thereof.

Sec. 23. When any street or portion of a street has been or shall hereafter be fully constructed to the satisfaction of the Board of Public Works and of the Supervisors, and is in good condition throughout, and a sewer, gas pipes, and water pipes are properly laid therein, the same shall be accepted by the Supervisors by ordinance; and thereafter such street or portion of a street shall be kept in repair and improved by the city and county. The Supervisors shall not accept any portion of a street less than the entire width of the roadway including the curbing, and one block in length, or one entire crossing; but they may partly or conditionally accept any street, without a sewer, or gas pipes or water pipes therein, if the ordinance of acceptance expressly states that they deem such sewer, or gas pipes or water pipes to be then unnecessary. In such case the lots of land previously or at any time assessable for the cost of constructing a sewer shall remain and be assessable for such cost and for the cost of repairs and restoration of the street damaged in said construction, whenever the Supervisors shall deem a sewer to be necessary and shall order it to be constructed. The Board of Public Works shall keep in its office a register of all streets accepted by the Supervisors under this section, which register shall be indexed for easy reference thereto.

Sec. 24. The Board of Public Works may at any time, without any application therefor, recommend to the Supervisors to order the paving or macadamizing of the portion of any street required by law to be paved or macadamized by the person, company or corporation having railroad tracks thereon. Upon such recommendation the Supervisors shall by ordinance order said work to be done and direct said board to notify said person, company, or corporation of the fact of the passage of such ordinance.

The secretary of said board shall thereupon forthwith in writing notify said person, company or corporation of the passage of said ordinance; and if said person, company or corporation shall not within ten days after receiving said notice commence in good faith to do said work and prosecute the same diligently to completion, the board shall invite sealed proposals for doing said work in the manner provided in this article; and all the provisions of this article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of the board the contractor shall be entitled to recover from such person, company or corporation the contract price for the expense of said work, together with incidental expenses, in an action instituted in a court of competent jurisdiction. On the trial of such action, the certificate of the board of the completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto and of plaintiff's right to recover in said action.

SEC. 25. Except as otherwise in this charter specifically provided, no ordinance for the improvement of any street other than for sewers, sidewalks and curbs, except for the improvement of the streets constituting or lying along the water front of the city and county, and except for such work as is provided for in the next preceding section, shall be passed by the Supervisors without extending said improvement throughout the whole width of such street.

SEC. 26. Wherever in this article the word "street" occurs, it shall be held to include all streets, lanes, alleys, places and courts which have been, or may be hereafter, dedicated and open to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets.

The word "improvement" shall be held to include grading, paving, planing, macadamizing, piling and capping; and the construction and repairs of sewers, cesspools, man-holes, culverts, drains, sidewalks and curbs.

The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing.

The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor.

The term "quarter block," as used in this chapter as to irregular blocks, shall be deemed to include all lots, or portions of lots, having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city and county.

The word "paved" shall include any pavement of stone, iron, wood, or other material which the Supervisors may by ordinance order to be used; but no patented pavement shall be ordered during the existence of the patent therefor, until the owner of such patent shall have transferred to the city and county all right to the use of the same therein, with the privilege to any person to manufacture and lay the same upon its streets under any contract that may be awarded to him, or entered into by him with the city and county.

The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for, and all expenses for surveying, measuring and inspecting the work.

All notices and resolutions required in this article to be published shall be published daily, legal holidays excepted, in the official newspaper.

All notices herein required to be served, whether by delivery, mailing or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the official newspaper, or his clerk, of the publication of any notice required in this article to be published, shall be prima facie evidence of such publication.

SEC. 27. When the owners of all the lands fronting upon any street which is less than forty feet in width, for the entire distance of said street, or for the distance of one or more entire blocks, shall petition the Board of Public Works that the said street, or that portion thereof upon which said lands front, be closed, the board may pass a resolution recommending that the same be closed. Before passing such resolution the board shall cause a notice of the application to be published in the official newspaper, and shall fix a time and place at which it will consider the same and hear objections thereto. Upon such hearing it shall determine whether it will recommend that the street be closed; and if it shall so determine, it shall transmit such recommendation to the Supervisors. Thereupon the Supervisors may pass an ordinance that the street be closed; and the same shall not thereafter be, or be deemed to be, a public street, or subject to any public expense or improvement; and the land theretofore included within the roadway and sidewalks of said street shall thereafter be the property of the city and county. No such ordinance shall be passed until the petitioners shall have paid all the expenses of said proceedings.

SEC. 28. In all cases where lands in the city and county shall be hereafter subdivided and laid out into blocks or plats, sub-lots, streets and alleys, or when new streets or public grounds shall be laid out, opened, donated or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Board of Public Works for its approval, and if the board approves the same, such approval shall be by it indorsed upon the said map or plat, and said map with said approval shall then be filed in the office of the Recorder; and without such approval indorsed thereon no such map or

plat shall be filed in the office of the Recorder, or have any validity; nor shall any street, alley, or public ground hereafter opened and dedicated as such, become or be a public street or be subject to any public improvement or expense without such approval, indorsement and record. No street hereafter laid out shall be approved or become a public street unless the same shall be at least forty feet in width and two hundred feet distant from any parallel street.

Sec. 29. The board shall annually invite proposals for cleaning and sprinkling such of the streets of the city and county as the board shall determine should be cleaned and sprinkled at the public expense. Before causing notice for such proposals to be published the board shall divide the city and county into such number of districts as in its judgment will best induce competition for bids, and secure the cleaning and sprinkling of the streets at the lowest cost. The secretary of the board shall, under its direction, on the first Monday in May of each year, cause to be published for a period of ten days a notice inviting proposals for cleaning and sprinkling each of said districts, specifying in said notice the streets of each district which are to be cleaned and sprinkled, the number of times a week that they are to be cleaned and sprinkled, and the amount of security to be given with each contract. Bids shall be made for each district separately. All the provisions of this article in relation to the making and opening of bids, awarding of contracts and entering into and performance of contracts, shall be applicable to said contracts.

The board may, at the time it invites proposals for said cleaning and for said sprinkling, also invite proposals for said cleaning separately, and for said sprinkling separately, and may award such contracts accordingly as may be for the best interest of the city and county.

The board may also, with the consent of the Supervisors expressed by ordinance, purchase one or more machines for sweeping the streets, and may enter into contracts for sweeping the streets with said machines; but the board must give the preference to hand-sweeping so far as it can do so with reference to the proper sweeping of the streets and to the funds at its disposal.

Sec. 30. The board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as may be from time to time fixed by the board; but when the expense of the repairs upon any street or portion of a street shall exceed the sum of five hundred dollars, exclusive of materials to be furnished from the Corporation Store Yard, the same shall be done under contract awarded in the manner provided in this article.

Sec. 31. The board shall, from time to time, after it shall have been directed so to do by the Supervisors by ordinance, invite proposals for supplying to the city and county such materials as may be required for the repair of the public streets or for any improvement thereof, and such proceedings shall be had in awarding the contracts therefor as are in this article provided for awarding other contracts.

Sec. 32. The Supervisors shall select some place in the city and county which shall be known as the Corporation Store Yard, wherein shall be kept all supplies, material, implements and machines belonging to the city and county, to be used in repairing or cleaning and sprinkling the streets or for any improvement thereon. The Board of Public Works shall appoint a storekeeper for said yard, who shall hold his office during its pleasure. He shall have the custody of said yard and of all the supplies, material and implements therein, and shall keep books of account in which shall be kept a systematic account of all purchases, and of the receipt of supplies and material under any contracts awarded under the provisions of the preceding section, and of the delivery thereof, which books shall at all times show the amount of said material and supplies on hand and in store, and when, to whom, and for what purpose each article was delivered. He shall be responsible for all material and supplies in said yard, and shall not deliver any article except upon the written order or requisition of the president and secretary of the Board of Public Works, and he shall take the written receipt, indorsed upon said order, of each person to whom any delivery is made, specifying the date of such delivery and the amount and kind of material and supplies delivered. For any deficiency in his accounts or for the delivery of any article without such order or requisition and receipt, he shall be liable upon his official bond. All cobblestones, or stone blocks, or other material with which any street or portion of a street may have been paved or planked shall, if at any time removed from said street, be taken to said yard, and there kept, accounted for and disposed of by the storekeeper in the same manner as other supplies.

Chapter III.—Opening, Straightening, Widening, Extending and Changing the Grade of Streets.

SECTION 1. When an application shall be made to the Board of Public Works for the straightening, widening or extending of any street, or for the laying out, establishing or opening of a new street, signed by the owners of a majority of the frontage of the lands upon the line of said street, or proposed street, and such improvement requires the condemnation of private property, and the board shall by resolution determine that the improvement would be of public benefit, it shall make an estimate of the expense of such improvement, and determine by resolution the district which will be affected by, and should be assessed for, the expense of such improvement. No proceedings shall be had upon the filing of such petition until after the persons signing the same shall have

deposited with the secretary of the board an amount of money which, as may be determined by the board, will be sufficient to defray all the expense that may be incurred in case the Supervisors shall not pass an ordinance for said improvement.

SEC. 2. If within three months after the passage of the resolution determining such district, a majority of the owners of the land within said district who shall also be the owners of two thirds of the superficial square feet of the property included within said district, and of three fourths in value of said property, including improvements thereon, estimating said value according to the last preceding assessment book of the city and county, shall present to the board a petition for said improvement, verified by their oaths and describing the lands of which they are the owners, and showing the amount at which the same was assessed upon the last preceding assessment book of the city and county, and stating that they are the owners and in possession of the lands named in said petition, the board shall pass a resolution of its intention to recommend such improvement to the Supervisors, and shall in such resolution specify a day upon which it will hear any objections that may be made to such improvement.

Before passing such resolution of intention, the board shall cause to be prepared a map or diagram of the district affected by and to be assessed for the expense of such improvement, upon which shall be delineated the several lots of land upon which said assessment is to be levied, and also the lots of land which are to be taken for such improvement, and showing the name of the person to whom the said lots were assessed upon the last assessment book of the city and county, together with the amounts of such assessments.

SEC. 3. The secretary of the board shall thereupon cause said resolution of intention to be published for a period of thirty days, non-judicial days excepted, and shall also cause a copy of said resolution to be deposited, postage prepaid, in the post office at the city and county, addressed to each person whose name is delineated upon said map, at least ten days before the day named for hearing objections thereto.

SEC. 4. At any time before the day fixed in such resolution for hearing objections to such improvement, any person interested therein may file with the secretary of the board his objections thereto, briefly stating the grounds thereof and the nature of his interest; and upon the day fixed for hearing the same, or some day to which the hearing thereof shall then be postponed, the board shall proceed to hear and determine the sufficiency of any objections which may have been filed.

SEC. 5. If the board shall determine that such objections are sufficient to prevent a recommendation of the improvement, it shall pass a resolution to that effect, and no further proceedings shall be had under said petition. If no objections have been filed, or if the board shall determine that the objections filed are insufficient, it may pass a resolution recommending to the Supervisors said improvement, and in its recommendation shall specially report to the Supervisors whether in its opinion the land within the district specified as affected by said improvement will be benefited to the extent of the expense of said improvement.

SEC. 6. If the board shall pass a resolution recommending said improvement, the secretary shall forthwith transmit to the Clerk of the Supervisors a copy of said resolution, together with the petition, map, estimate of the expense of said improvement, and any objections that may have been filed; and the Supervisors shall at their first regular meeting thereafter, or at any meeting to which said hearing may have been adjourned, pass upon said recommendation, and may by resolution adopt or reject the same. If said recommendation is rejected no further action shall be had thereon or upon said petition. If the Supervisors shall adopt said recommendation, they shall within thirty days thereafter pass an ordinance providing for said improvement, and may in said ordinance prescribe such rules for the conduct of the Board of Public Works respecting the assessment and valuation to be made by said board and providing for the condemnation of said lands, and the collection of said assessment, in addition to, and not inconsistent with, the rules herein prescribed, as to said Supervisors shall seem expedient. Upon the passage of said ordinance the Clerk of the Supervisors shall transmit a certified copy thereof to the Board of Public Works.

SEC. 7. Upon the receipt by the board of a certified copy of said ordinance the board shall cause to be made an accurate survey of the contemplated improvement, and a map thereof, upon which shall be delineated each and every lot of land to be taken or appropriated for the purposes of the intended improvement, showing its extent in feet and inches, and also each and every lot of land within the district determined to be affected by, and which is to be assessed for, the cost and expense of said improvement. After said survey and map are made, the board shall pass a resolution fixing a day on or after which it will proceed to value the several lots of land to be taken for the purpose of the intended improvement, and ascertain and determine the damages and benefits which may result therefrom.

The secretary of the board shall cause said resolution to be published for a period of ten days before the day fixed in said resolution for proceeding to make said valuation.

In estimating the damage to any lot by reason of any portion of said lot having been taken for public use, as herein provided, the measure of damage to said lot shall be the difference at the time of said appropriation between the value of said lot in its entirety and its value as reduced in size by the appropriation of a part thereof to said public use. The expense of the improvement shall include the value of the land taken, with the improvements, if any, thereon, and the expense of the proceedings for its appropriation or condemnation.

SEC. 8. On the day named in said notice and upon such other days as the matter

may be continued to, from time to time, the board shall proceed to value the several parcels of land necessary to be taken for the purpose of the intended improvement. Such value shall be ascertained as of the time of said inquiry, independently of any appreciation or depreciation that may be caused to the same by reason of such intended improvement, and the board shall fix such valuation as the amount to be given to the owners therefor. The board shall also assess the benefits and damages which may result from the contemplated improvement of the lands within said district, and shall distribute the total value of all the lands and improvements taken, together with the damages, if any, caused by said improvement to the adjacent lands, and the estimated cost and expense of said improvement, in the form of an assessment upon each and every lot of land within the district determined to be affected by said improvement in proportion to the benefits which the board shall determine will be received by said lots and lands.

SEC. 9. The meetings of the board, when engaged in making said valuation and assessment, shall be public and held at the office of the board, and all persons interested in such valuation and assessment shall have the right to be present and be heard in person or by counsel. All persons claiming any interest in the lands to be taken for said improvement, or that will be damaged thereby, are required at or during such hearing, to file with the board plats, and a description of their respective lots of land.

SEC. 10. In making said assessment and valuation the commissioners shall act as a board, and said assessment and valuation shall be authenticated by the signatures of said commissioners, and every assessment and valuation so authenticated and recorded in the book of assessments for condemnation shall be prima facie evidence of the correctness and regularity of all the proceedings of said board and of the Supervisors prior to the date of such record.

SEC. 11. In determining the valuation of the property which is taken for said improvement, the board shall in its report set forth, under appropriate headings, a brief description of each lot thereof, the amount allowed for the same, the name of the owner of each lot, when known (and if unknown, that fact shall be stated), and the name of any claimant thereto, or to any interest therein; and in making the assessment for the expense of said improvement the board shall set forth in the assessment, under appropriate headings, a brief description of each lot assessed, the amount assessed against the same, the person to whom said property was assessed upon the next preceding assessment book of the city and county, the owner thereof, if known (and if unknown, that fact shall be stated), and the total amount of the expense of said improvement.

SEC. 12. Upon the completion of said valuation and assessment, the board shall cause to be published for ten days a notice of the completion of said assessment and valuation, notifying all parties therein to examine the same; and for that purpose said assessment, valuation and map shall be open and exhibited to public inspection at the office of the board for thirty days after the first publication of said notice. During said period of thirty days, but not thereafter, the board may alter, change or modify said assessment. Upon the expiration of said thirty days it shall complete the same in the form of a report and schedule, embracing the value of the lands taken and the assessment of said value, together with the expense of the improvement, as hereinbefore provided, upon the several lots of land embraced within the aforesaid district. Said report and schedule shall, within sixty days after the first publication of the last mentioned notice, be filed in the office of the County Clerk, together with a petition signed by the president of said board, to the Superior Court, praying for a judgment of said court confirming the assessment contained therein against the respective lots therein described as assessed, and for the condemnation and conveyance to the city and county, upon the payment of the value thereof as ascertained by said report, of each of the lots of land alleged in said petition to be necessary to be taken for said improvement.

SEC. 13. On filing such petition, and upon application to said court, the presiding judge thereof shall appoint some day, not less than ten nor more than thirty days thereafter, as the time when any objections to the confirmation of said report will be heard by said court. The clerk of said court shall thereupon cause to be published for ten days in the official newspaper, a notice of the filing of said report and of the day assigned for the hearing of any objections that may be made thereto. Any party interested therein may at any time before the day assigned for the hearing thereof file in said court his objections in writing to the confirmation of the same, specifying his objections; and all objections not specified shall be deemed waived. Upon the day fixed in said order said court shall proceed to the hearing of any objections that may have been filed to the confirmation of said report. Upon proof of publication of said notice said court shall have and take jurisdiction of said report and of the subject matter thereof as a special proceeding; and upon said day and at any other time or times to which said hearing may be adjourned may hear the allegations of the parties and proofs adduced in support of the same, and may confirm said report, or change, alter or modify the same, or cause the same to be changed, altered or modified by said board. Said judgment of confirmation shall be a lien upon each lot of land described in said report for the amount assessed against the same, and shall provide for the conveyance to the city and county of each and every of the lots of land declared necessary for the purpose of said improvement, upon the payment of the value thereof as fixed by such judgment. Said lien shall remain in force until said assessment is paid or legally discharged.

SEC. 14. Any person who has filed objections to the confirmation of said report may appeal from said judgment to the Supreme Court at any time within thirty days after

the entry of such judgment. The amount of the undertaking on such appeal shall be fixed by said presiding judge and such undertaking shall be made payable to the city and county. For the purposes of such appeal the judgment roll of the proceedings in the Superior Court shall consist of the report, objections, judgment and bill of exceptions, or so much thereof as may be necessary to determine said appeal. If said judgment be reversed or modified the Superior Court shall take such proceedings as will cause said assessment and valuation to be made in accordance with the decision of the Supreme Court. The City Attorney shall act as the attorney for the Board of Public Works in proceedings under this chapter.

SEC. 15. After the confirmation of said report, if the time for appealing has expired, or if an appeal has been taken and the judgment appealed from has been affirmed upon the application of the Board of Public Works the Clerk of the Superior Court shall issue a certificate to that effect to said board; and said assessment shall then be recorded in the book of assessments for condemnation kept for that purpose, and the record thereof signed by the president and secretary of said board. The Secretary shall then deliver to the Tax Collector the assessment so confirmed and recorded, together with said certificate of said clerk, and a warrant to the Tax Collector directing him to collect the said assessment. The Tax Collector shall, if any part of said assessment is not paid within twenty days after said assessment, certificate and warrant shall have been delivered to him, give notice in the official newspaper by ten days' publication therein that he will, on a day and time certain, to be not more than ten days after the expiration of said publication, sell such of the lots of land on which the assessment thereon remains unpaid, describing each of said lots so delinquent, together with the amount of the assessment and costs due on each, and shall include as part of said costs five per centum on the amount due on each assessment so delinquent, as and for the expenses of said sale. He shall thereupon sell such lots pursuant to such notice. Redemption may be made from such sale within the time and in the manner and on the terms as on sales made under execution as provided in the Code of Civil Procedure of this State. If any amount remain in the hands of the Tax Collector as a result of the collection of said assessment beyond that necessary to make the compensation provided for in the next succeeding section, and to pay the necessary expenses of said sale, such surplus shall be paid by him proportionately to those whose land has been sold as aforesaid.

SEC. 16. Upon the report of the Tax Collector to the Supervisors that the amount of said assessment has been collected and paid into the treasury, the Supervisors shall order to be paid out of the treasury the sums fixed in said judgment as the compensation for the lands to be taken for said improvement; and upon the delivery to the Treasurer by any person entitled to receive compensation for any lot of land so taken, of a conveyance of said lot of land to the city and county, approved by the City Attorney, and a certificate from the City Attorney that such person is entitled to the compensation for the lands described in said conveyance, the Treasurer shall pay to said person the amount awarded for said lot by said judgment of condemnation, after the demand therefor has been audited by the Auditor.

SEC. 17. If the owner of any of said lots or subdivisions neglect or refuse for ten days to make and deliver such conveyance, or be unable by reason of incapacity to make a good and sufficient conveyance thereof to the city and county, or if the City Attorney shall certify that the title to any of said lots is in dispute or uncertain, or that there are conflicting claimants to the amount awarded as compensation therefor, or to any part thereof, a warrant upon the treasury for the payment of the amount so awarded shall be by order of the Supervisors drawn by the president and secretary of the Board of Public Works, together with a certificate of the Treasurer indorsed thereon that the said warrant has been registered by him and that there are funds in the treasury set apart to pay the same, shall be deposited with the County Clerk; and thereupon, upon a petition to said Presiding Judge by the president of the said board, setting forth said facts, said Judge shall issue an order ex parte directing the Sheriff to place said board in the possession of said land.

SEC. 18. At any time thereafter any claimant to said award, or any part thereof, may file his petition in said Superior Court against all parties in interest for an adjudication of all conflicting claims to the same, or for an order that the same be paid to him; and thereupon such proceedings shall be had thereon as may be agreeable to law and equity. Upon entry of final judgment in such proceedings, the County Clerk shall, after said demand has been audited by the Auditor, collect the warrant and pay the proceeds to the person or persons named in said judgment as entitled thereto. It shall be provided in said judgment that before receiving the proceeds of said warrant said party, or some one authorized in his behalf, shall make and execute to said city and county and deliver to the County Clerk a sufficient conveyance of said lot of land. Immediately after taking possession of the land required for said street, the board shall report that fact to the Supervisors.

SEC. 19. If any member of the board be interested in any of the land to be taken or assessed for such improvement, the Mayor shall appoint, for the purpose of making the said assessment and valuation only, some competent person to act as one of the commissioners therefor, who shall possess the same qualifications as are provided for said commissioners, and who, before entering upon his duties, shall take the oath of office required of said commissioners, and enter into a bond for such amount as may be fixed by the Supervisors.

SEC. 20. The Supervisors may, on the written recommendation of the Board of Public Works, change the grade of any street or street crossing in the manner and to the

grade set out in such recommendation; but no grade shall be changed unless the same proceedings are taken by way of providing compensation to those who may suffer damage by such change of grade, so far as such proceedings may be applicable, as are hereinbefore provided in the matter of opening, straightening, widening, and extending streets; and where such proceedings are not applicable they may be supplemented by ordinance of the Supervisors.

Chapter IV.—Sewers and Drainage.

SECTION 1. The Board of Public Works shall devise a general system of drainage, which shall embrace all matters relative to the thorough, systematic, and effectual drainage of the city and county, and shall from time to time make to the Supervisors such recommendations upon the subject of sewerage and drainage as it may deem proper.

SEC. 2. The board shall prescribe the location, form, and material to be used in the construction, reconstruction, and repairing of all public sewers, manholes, sinks, drains, cesspools, and all other appurtenances belonging to the drainage system, and of every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 3. The board shall recommend to the Supervisors rules and regulations concerning the public and private sewers and drains in the city and county, and upon recommendation of said board, the Supervisors are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

SEC. 4. No person shall connect with, or open or penetrate, any public sewer or drain without first obtaining a permit in writing from said board, and complying with the rules and regulations of the board in reference thereto.

SEC. 5. The board may also recommend to the Supervisors the construction of such canals, sewers, tunnels, ditches, drains, embankments, reservoirs, pumping works, machinery and other works necessary for the proper and effectual drainage of the city and county, together with plans for connecting the same with sewers and private drains already constructed or hereafter to be constructed.

SEC. 6. The Supervisors may, upon the recommendation of the Board of Public Works, by ordinance passed by not less than fourteen affirmative votes, authorize the purchase of any personal property or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this chapter.

SEC. 7. The board may, with the like approval of the Supervisors, agree with the owners of any real estate upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owners for the purpose of such improvement and for the perpetual use of said real estate for such purpose.

SEC. 8. The board may, when authorized by ordinance of the Supervisors passed by not less than fourteen affirmative votes, construct such sewers, reservoirs and pumping works as may be necessary to carry out the general system of sewerage for the city and county.

SEC. 9. When, upon the recommendation of the Board of Public Works, the Supervisors shall determine upon any improvement for the purpose of sewerage and drainage which necessitates the acquisition or condemnation of private property, and the board is unable to agree with the owner thereof, upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which the board shall deem it most expedient, it shall, when authorized by the Supervisors expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same may be applicable, which is provided in this article for the condemnation of real estate when necessary for the opening of any new street.

Chapter V.—Harbors and Wharves.

SECTION 1. All the wharves, water front and harbor of San Francisco which now belong or may hereafter belong to the city and county, or over which it may at any time lawfully exercise jurisdiction and control, shall be under the management and control of the Supervisors. All said wharves shall be built and repaired by the Board of Public Works, after proceedings had as provided in this article for the improvement or repair of public buildings.

SEC. 2. The Supervisors shall by ordinance fix and regulate the tolls for wharfage and dockage, and shall provide for the collection of the same, except where the wharves are under the jurisdiction of the Board of State Harbor Commissioners, or may provide that no charges, tolls, dockage or wharfage be imposed or collected. The Supervisors shall not have power to dispose of any wharf, but they may lease any wharf for a term not exceeding two years.

ARTICLE VII.

PUBLIC SCHOOLS AND LIBRARIES.

Chapter I.—The Board of Education.

SECTION 1. The School Department shall be under the control and management of a Board of Education composed of four School Directors, who shall be appointed by the Mayor, and who shall give their entire time to the duties of their office. They shall

each receive an annual salary of three thousand dollars. They shall not be less than thirty years of age and must have been residents of the city and county for at least five years prior to their appointment. The board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the directors shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

SEC. 2. The board shall organize by electing one of its members president, who shall serve for one year and until his successor is elected. The board may elect a secretary, who shall not be a member of the board, and who shall receive an annual salary of eighteen hundred dollars.

SEC. 3. The board shall meet at least once a week and at such other times as it may determine. It shall establish rules for its proceedings; but the concurrent vote of a majority of its members shall be necessary to transact business. In every instance where a power is exercised under this article by the board the vote thereon shall be taken by ayes and noes and entered in the minutes of the board.

Chapter II.—Schools.

SECTION 1. The School Department shall comprise all the public schools of the city and county and shall include primary and grammar schools and may include evening, department, technical, cosmopolitan, high and normal schools.

SEC. 2. Adults shall be entitled to free instruction in the evening schools; but no child under fourteen years of age shall be admitted to such schools.

Chapter III.—Powers of the Board of Education.

SECTION 1. In addition to the powers conferred by the general laws of the State, the Board of Education shall have power:

1. To establish and maintain public schools as provided in this article, and to change, modify, consolidate or discontinue the same as the public welfare may require.

2. To employ such teachers and persons as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient cause the whole or any part of the wages, salary or compensation of any person or persons employed as aforesaid; and to promote, transfer and dismiss teachers; but no teacher in the department at the time of the adoption of this charter, or who shall be hereafter appointed, shall be dismissed from the department, except for insubordination, immoral or unprofessional conduct, or evident unfitness for teaching. All promotions of teachers shall be based solely on merit and successful teaching. Nothing in this section shall be construed to prevent the board from removing teachers holding only special certificates or serving a probationary term. Charges against teachers must be formally made by the Superintendent after due investigation, and shall be finally passed upon by the board after giving the accused teacher due hearing.

3. To grant, to renew and, for the causes mentioned in section one, subdivision two of this chapter, to revoke, teachers' certificates.

4. To establish and enforce all necessary rules and regulations for the government and efficiency of the schools and for carrying into effect the school system; to remedy truancy; to compel the attendance at school of children between the ages of six and fourteen years who may be found idle in public places during school hours.

5. To investigate charges against any person connected with or in the employ of the School Department, and to take testimony in such investigations.

6. To receive, to take on lease and to hold in trust for the city and county any real estate belonging to or claimed by the School Department. To hold in trust all personal property that may have been or may hereafter be acquired by the School Department.

7. On or before the first day in April in each year, to appoint school census marshals, and notify the Superintendent of Common Schools of such appointments. Any census marshal found incompetent may be discharged by the Superintendent of Common Schools. Should the board fail or neglect to fill the vacancy so caused within three days thereafter by the appointment of a person competent to perform the duties of census marshal, such vacancy may be filled by the Superintendent of Common Schools.

8. To sue in the name of the city and county for lots, lands and property belonging to or claimed by the School Department. To prosecute and defend all actions at law or special proceedings or suits in equity concerning the enjoyment and possession of such lots, lands and property. To require the services of the City Attorney in all actions, suits and proceedings by or against the Board of Education.

9. To establish regulations for the disbursement of all moneys belonging to the School Department or to the Common School Fund, and to secure strict accountability in the expenditure thereof; to provide for the prompt payment, on not later than the fifth day of every month, of all salaries due and allowed officers, teachers and other employees of the School Department. For this purpose the Auditor shall annually segregate so much of the Common School Fund as shall not exceed twenty-eight dollars for each pupil in average daily attendance in the public schools of the city and county during the preceding fiscal year. The amount so segregated shall not be applied to the payment of any demand against such Common School Fund during any fiscal year other than for salaries, until all salaries for that fiscal year have been fully paid or provided for. The board shall ascertain and transmit to the Auditor on or before the first Monday in April of each year an estimate of the amount required for such segregation within such limit of twenty-eight dollars.

10. All demands payable out of the Common School Fund shall be filed with the secretary of the Board of Education, and after they have been approved by the board they shall be signed by the president of the board and the Superintendent and sent to the Auditor. Every demand shall have indorsed upon it a certificate, signed by the secretary, of its approval by the Board of Education, showing the date thereof, and the law authorizing it by title, date and section. Every person in the employ of the School Department entitled to a salary therefrom shall receive a warrant for the amount due and approved by the board, signed by the president and secretary thereof. The entire monthly salary roll of the department shall be made up by the secretary of the board, and after being duly audited by the finance committee thereof and approved by a majority of all the members of the board, shall be indorsed in the same manner as other demands. The salary roll so audited, approved and indorsed, shall be immediately transmitted to the Auditor, not later than the third day of every month, for comparison with the individual salary warrants issued in the manner above provided; but payment shall be made only on the individual warrants issued in accordance herewith.

11. To lease to the highest responsible bidder, for the benefit of the Common School Fund, for a term not exceeding twenty years, any real property of the School Department not required for school purposes; but no lease shall be made except after advertisement for bids for at least fifteen days in the official newspaper and by an affirmative vote of at least three members of the board approved by an ordinance of the Supervisors.

12. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose or school library; to carry into effect the terms of any bequest not in conflict with the general laws or this charter; and to sell such personal property as shall no longer be required for use in the schools. All moneys realized by such sales shall be at once paid into the treasury to the credit of the Common School Fund.

SEC. 2. The board shall annually, before the first day of May, make a list of supplies estimated to be required by the School Department for the ensuing fiscal year, stating in clear and explicit terms the quantity and kind of articles needed and how and when they shall be delivered, and shall invite proposals for furnishing the same by advertising therefor at least ten days in the official newspaper.

The provisions of Article II, Chapter III, of this charter, in regard to the advertising for proposals, the affidavit and security accompanying the same, the presentation and opening of proposals, the awarding of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for furnishing supplies to the School Department. Any contract made in violation of any provision of this article shall be void.

SEC. 3. The board shall, during each year, transmit to the Supervisors a report in writing for the preceding fiscal year, stating the number of schools within its jurisdiction, the length of time they have been kept open, the number of pupils taught in each school, the average daily attendance of pupils in all the public schools, the number, names and salaries of teachers, the dates of their appointments and the character of the certificates held by them, the amount of money drawn from the treasury by the department during the year, distinguishing the State fund from all others, the purpose for which such money has been expended, with particulars, and such other information as may be required by the State Superintendent, the Supervisors, or the Mayor.

SEC. 4. The board shall, between the first and twenty-first days of May of each year, adopt a schedule of salaries for the next ensuing fiscal year for teachers and all employes of the School Department.

Chapter IV.—Superintendent of Schools.

SECTION 1. The Superintendent of Common Schools of the city and county shall be by virtue of his office a member of the Board of Education, without the right to vote. He shall receive an annual salary of four thousand dollars.

SEC. 2. The Superintendent shall appoint four Deputy Superintendents. The number of such deputies shall not be increased until the average daily attendance shall have reached forty-five thousand, when the Superintendent shall appoint one additional deputy, and thereafter he shall appoint one deputy for each additional eight thousand children in average daily attendance. If from any cause a vacancy occurs in the office of Deputy Superintendent, such vacancy shall be filled by the Superintendent.

SEC. 3. Of the Deputy Superintendents first appointed, the Superintendent shall appoint two for two years and two for four years. All Deputy Superintendents subsequently appointed shall hold office for four years.

SEC. 4. Such deputies must have had at least ten years' successful experience as teachers, and shall have been residents of the city and county at least five years preceding their appointment.

SEC. 5. In addition to the duties imposed by the general laws of the State, it shall be the duty of the Superintendent:

1. To observe and enforce all rules and regulations of the Board of Education and to see that no religious or sectarian books or teachings are allowed in the schools.

2. To report to the Board of Education, annually on or before the twentieth day of August, and at such other times as the board may require, all matters pertaining to the condition and progress of the public schools of the city and county during the fiscal year, with such recommendations as he may deem proper.

3. To inform the board of the condition of the schools, school-houses, and of other matters connected therewith, and to recommend such measures as he may deem neces-

sary for the advancement of education in the city and county, and for the care and improvement of the property of the School Department.

4. To visit and examine, with the assistance of his deputies, all the schools at least twice a year, and determine their standing and classification. To recommend rules for the promotion of pupils from grade to grade, from school to school, and for the transfer and the graduation of pupils.

5. To recommend to the board the courses of studies; the text-books and books for supplementary use in the public schools and the purchase of such apparatus, books, stationery, and other class-room supplies as may be required in the schools.

6. To report to the board once a month upon the standing of schools examined by him and his deputies.

SEC. 6. The Superintendent and his deputies shall constitute the City Board of Examination, and shall have power:

1. To examine applicants, and to prescribe a standard of proficiency, which will entitle the person examined to receive: (a) A high school certificate, valid for six years, which shall authorize the holder to teach any primary, grammar, or high school in the city and county. (b) A city certificate, grammar grade, valid for six years, which shall authorize the holder to teach any primary or grammar school in the city and county. (c) A city certificate, primary grade, valid for two years, which shall authorize the holder to teach any primary school in the city and county. They shall report the result of the examination to the Board of Education, and the board shall thereupon issue to the successful candidates the certificates to which they shall be entitled.

2. To recommend applicants for special certificates, valid for a period not to exceed six years, upon such special studies as may be authorized by the Board of Education.

3. For immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the Board of Education the revocation of any certificates previously granted by the board.

4. To recommend the granting of city certificates, and the renewal thereof, in the manner provided for the granting and renewal of county certificates by County Boards of Education in section seventeen hundred and seventy-five of the Political Code.

Chapter V.—School Tax Levy.

SECTION 1. The Board of Education shall, on or before the first Monday of April in each year, report to the Supervisors an estimate of the amount which shall be required during the ensuing fiscal year for the purpose of meeting the current annual expenses of public instruction in the city and county, specifying the amount required for supplies to be furnished pupils, including text books for indigent children; for purchasing and procuring sites; for leasing rooms or erecting buildings; for furnishing, fitting up, altering, enlarging and repairing buildings; for the support of schools organized since the last annual apportionment; for the salary of the School Directors, Superintendent, Deputy Superintendents, and all other persons employed in the School Department, and for other expenditures necessary for the administration of the public school system; but the aggregate amount so reported for any one year shall not exceed the sum of thirty-two dollars and fifty cents for each pupil, who in the fiscal year immediately prior thereto actually attended the schools entitled to participate in the apportionment thereof.

SEC. 2. The Supervisors at the time and in the manner of levying and collecting other city and county taxes shall levy and cause to be collected for the Common School Fund a tax which, added to the revenue derived from other sources, shall produce an amount of money which shall not exceed thirty-two dollars and fifty cents for each pupil in attendance during the preceding fiscal year, as ascertained and reported by the Board of Education.

SEC. 3. In case of extreme emergency or great calamity, such as disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and Supervisors, incur extraordinary expenditures in excess of the annual limit provided for in this charter, for the repair and construction and furnishing of school-houses in place of those so injured or destroyed. The Supervisors may, by ordinance, cause to be transferred to the Common School Fund, from moneys in any fund not otherwise appropriated, sufficient money to liquidate such expenditures, and provide for the same in the next tax levy of the city and county.

Chapter VI.—School-Houses and Lots.

SECTION 1. When any locality in the city and county is unprovided with sufficient school accommodations, the Board of Education may, by resolution, make a requisition upon the Board of Public Works for plans and specifications and estimates for a new school-house, specifying the number of class-rooms needed, the location of the proposed school-house, the date on which it should be completed, the amount of money in the School Fund available for the purpose, and such other information as will enable the Board of Public Works to prepare the necessary plans, specifications, and estimates of cost for such school-house.

If such plans, specifications, and estimates are approved by the Board of Education, they shall be indorsed "Approved," with the date of such approval, by the president and secretary thereof, and returned to the Board of Public Works, which shall proceed without delay to have such school-house constructed and completed in accordance therewith. When such school-house is completed, the Board of Public Works shall notify the

Board of Education to examine the same, and if it has been built in accordance with the plans and specifications and within the estimated cost thereof, the Board of Education shall accept and take possession of it.

SEC. 2. When any school-house, building, fence, or other property belonging to, or connected with, or under the control of, the Board of Education, needs repairing, altering, or improving, the board shall notify the Board of Public Works, specifying in general terms the work to be done. The Board of Public Works shall cause the same to be done forthwith, if the cost thereof shall not exceed two hundred and fifty dollars; otherwise, the Board of Public Works shall submit plans, specifications, and estimates of cost to the Board of Education for its approval, and if approved as provided in Section 1 of this chapter, the Board of Public Works shall cause the same to be done, and if done in accordance with the plans and specifications, and within such estimate, the same shall be accepted and shall be paid for out of the Common School Fund.

SEC. 3. When it is necessary to purchase a lot for the use of the school department, the price paid for such lot shall not exceed the market value of adjacent property of equal size and similarly situated. Any school building hereafter constructed shall have a clear space of at least ten feet around the same.

Chapter VII.—Public Library and Reading-Rooms.

SECTION 1. The public library and reading-rooms of the city and county shall be under the management of a board of twelve trustees, one of whom shall be the Mayor of the city and county, who shall be a member of the board by virtue of his office. The Board of Trustees of said library and reading-rooms in office at the time this charter shall take effect shall continue to constitute the Board of Trustees of said public library and reading rooms; and all vacancies therein shall be filled by said board. None of said trustees shall receive any compensation for his services.

SEC. 2. The Supervisors shall, for the purpose of maintaining such library and reading-rooms, and such branches thereof as the Board of Library Trustees from time to time establish, and for purchasing books, journals and periodicals, and for purchasing or leasing real or personal property, and for constructing such buildings as may be necessary, annually levy a tax on all property in the city and county, to be levied from taxation which shall not be less than one and one half cents nor more than one and one half cents upon each one hundred dollars assessed valuation of said property. The proceeds of said tax shall be credited to the Library Fund.

SEC. 3. All revenue from such tax, together with all money or property derived by gift, devise, bequest or otherwise, for the purposes of the library, shall be paid into the treasury and be designated as the Library Fund and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of the library and reading-rooms, in accordance with the terms and conditions of such gift, devise or bequest.

SEC. 4. The title to all property, real and personal, now owned or hereafter acquired by purchase, gift, devise, bequest, or otherwise, for the purpose of the library and reading-rooms, when not inconsistent with the terms of its acquisition, shall vest in the city and county, and in the name of the city and county may be sued for and defended by action at law or otherwise.

SEC. 5. The board shall take charge of the public library and reading-rooms, and the branches thereof, and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise, or otherwise, when not inconsistent with the terms and conditions of the gift, devise or bequest. It shall meet for business purposes at least once a month, and at such other times as it may appoint in a place to be provided for the purpose. A majority of the board shall constitute a quorum for the transaction of business. It shall elect one of its number president, who shall serve for one year and until his successor is elected, and shall elect a librarian and secretary and such assistants as may be necessary. The secretary shall keep a full account of all property, money, receipts, and expenditures, and a record of all its proceedings.

SEC. 6. The board, by a majority vote of all its members, to be recorded in its minutes with the ayes and noes, shall have power:

1. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library and reading-rooms, and branches thereof, and all property belonging thereto, or that may be loaned thereto.

2. To administer any trust declared or created for such library and reading-rooms, and branches thereof, and provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto.

3. To define the powers and prescribe the duties of all officers; determine the number of and elect all necessary subordinate officers and assistants, and for good and sufficient cause to remove any officer or assistant.

4. To purchase books, journals, publications, and other personal property.

5. To order the drawing and payment upon vouchers, certified by the president and secretary, of money from the Library Fund for any liability or authorized expenditure.

6. To fix the salaries of the librarian and secretary, and their assistants; and, with the approval of the Supervisors, expressed by ordinance, to erect and equip such building or buildings, room or rooms, as may be necessary for the library and reading-rooms and branches thereof.

7. To establish such branches of the library and reading-rooms as the growth of the city and county may from time to time demand.

SEC. 7. The Supervisors shall have power to appropriate and authorize the use, either in whole or in part, of any real estate belonging to the city and county, for the purpose of erecting and maintaining a building or buildings thereon to be used for the library and reading rooms, or branches thereof, and may appropriate the whole or any portion of any public building belonging to the city and county for such use.

ARTICLE VIII.

POLICE DEPARTMENT.

Chapter I.—Organization.

SECTION 1. The police department shall consist of a Board of Police Commissioners, a Chief of Police, a police force, and of such clerks and employes as shall be necessary to carry into effect the provisions of this article.

SEC. 2. All members of the police department shall hold office during good behavior, subject to the provisions hereinafter set forth relating to promotions, suspensions, dismissals and disreputations.

SEC. 3. No person shall become a member of the department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the city and county for at least five years next preceding his appointment. Every appointee to the department shall not be less than twenty-one nor more than thirty-five years of age, must possess the physical qualifications required for recruits of the United States army, and before his appointment must pass a satisfactory medical examination under such rules and regulations as may be prescribed by the Board of Police Commissioners. In making appointments of members of the department, the board shall never regard the political or religious preferences or affiliations of any candidate.

Chapter II.—Police Commissioners.

SECTION 1. The police department shall be under the management of a Board of Police Commissioners consisting of four members, who shall be appointed by the Mayor, and each of whom shall receive an annual salary of twelve hundred dollars. No person shall be appointed such commissioner who shall not have been an elector of the city and county for at least five years next preceding his appointment.

SEC. 2. The board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the commissioners shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

SEC. 3. The commissioners shall be successors in office of the Police Commissioners holding office in the city and county at the time this charter shall go into effect by virtue of appointment under any statute or law of this State.

SEC. 4. The Police Commissioners shall organize by electing one of their number president, who shall hold such office for one year. The board shall appoint a secretary, who shall receive an annual salary of fifteen hundred dollars. The sessions of the board shall be public, except that executive sessions may be held whenever deemed proper by the board. The board shall meet at least once a week in the rooms of the Police Department, or in case of public emergency at such place as the board may select. The secretary must keep minutes of its proceedings; and in every case where a power is exercised by the board under this article the ayes and noes thereon shall be entered therein.

Chapter III.—Powers of the Board.

SECTION 1. The Board of Police Commissioners shall have power:

1. To appoint, promote, suspend, disrate, or dismiss any member of the department in the manner hereinafter provided.

2. To prescribe rules and regulations for the government, discipline, equipment, and uniform of the department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any of such rules and regulations. All such rules and regulations must be reasonable.

3. To grant permits to any person desiring to engage in the sale of liquor in less quantity than one quart, and to grant permits to any person engaged in the business of selling liquor to be drunk on the premises, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in a disorderly or improper manner. Without such permit none of such persons shall engage in the business of selling liquor. If the board refuse to grant such permit, or propose to revoke any permit that has been granted, the person who is refused such permit or whose permit it is proposed to revoke, shall be entitled to be heard before the board in person, or through counsel, and to have, free of charge, all reasonable facilities at the hearing. Such permits shall not be granted for more than three months at one time, and they shall distinctly state the name of the person to whom the same is given, and the description of the premises where such business is to be carried on. Such permits shall at all times be subject to inspection by any member of the department. Complaints to revoke permits granted by the board must be in writing, signed by the person making the same, and filed with the secretary of the board; and a

copy thereof, certified by the secretary, must be served upon the party complained against at least five days before the time set for the hearing of the complaint.

4. At its discretion, upon the petition of any person, firm, or corporation, to appoint, and at pleasure to remove, special police officers. Such officers shall be subject to all the rules and regulations of the board.

5. To provide for the care, restitution, or sale at annual public auction of all unclaimed property that may come into the possession of the property clerk, and to direct the destruction of such property as shall consist of implements, weapons, property, or any other article, matter, or thing used in the commission of crime.

6. To appoint police matrons for the care of female prisoners, and to provide rules and regulations for the government of the same.

7. To appoint a police surgeon, who shall receive an annual salary of fifteen hundred dollars.

SEC. 2. The president may convene the board for special meetings. The secretary of the board shall be the official custodian of all records and official documents of the board.

Chapter IV.—The Chief of Police.

SECTION 1. The Chief of Police shall be appointed by the Board of Police Commissioners, and hold office for the term of four years. He shall receive an annual salary of four thousand dollars. He shall have control, management, and direction of all members of the department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to suspend temporarily any member of the department. In all cases of such suspension, he shall immediately report the same to the board with the reasons therefor in writing. He shall maintain and enforce law and rigid discipline so as to secure complete efficiency of the department. He shall, subject to the directions and orders of the commissioners, have control of such of the prisons of the city and county as are not by the general law under the control of the Sheriff.

SEC. 2. In the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authority, the Chief of Police shall, in the lawful exercise of his functions, have all the powers that are now or may be conferred on Sheriffs by the laws of the State.

SEC. 3. The Chief of Police shall be the chief executive officer of the department. He shall be chargeable with and responsible for the execution of all laws and ordinances and the rules and regulations of the department. He shall see that the orders and process issued by the Police Court and such other orders and process as may be placed in his hands are promptly executed, and shall exercise such other powers connected with his office as may be provided for in the general rules and regulations of the commissioners.

SEC. 4. The Chief of Police shall keep a public office in which he shall have the statutes of this State and of the United States, and all necessary works on criminal law. In case of his temporary absence some competent member of the department, by him designated for that purpose, shall be in attendance at all hours of the day and night; and in such case he shall make known to such member of the department where he can be found.

SEC. 5. The Chief of Police shall detail one or more of the members of the department to attend constantly on the Police Court, and to execute its orders and process. He shall detail at his pleasure members of the department to act as his chief clerk, assistant clerks, prison-keepers and property clerk. Said chief clerk and said property clerk shall each receive an annual salary of twenty-four hundred dollars.

SEC. 6. The Chief of Police may from time to time disburse such sums for contingent expenses of the department as in his judgment shall be for the best interest of the city and county, to be paid out of the contingent fund allowed the department. The aggregate of all such sums shall not in any one fiscal year exceed the sum of ten thousand dollars. Provision shall be made by the Supervisors for such contingent fund in the annual tax levy. The commissioners shall allow and order paid out of such contingent fund as contingent expenses of the Police Department, upon orders signed by the Chief of Police, such amounts as may be required.

SEC. 7. The Chief of Police shall possess powers of general police inspection, supervision and control, over all pawnbrokers, peddlers, junk-shop keepers, dealers in second-hand merchandise, auctioneers and intelligence office keepers. All persons engaged in said callings, must first procure permits from the commissioners. In the exercise of such power the Chief may by authority in writing from time to time empower members of the Police Department, when in search of property feloniously obtained or in search of suspected offenders, or in search of evidence to convict any person charged with crime, to examine the books and the premises of any such person. Any such member of the Police Department, when thereunto empowered in writing by the Chief of Police, may examine property alleged to have been pawned, pledged, deposited, lost, strayed or stolen.

Chapter V.—Subordinate Officers.

SECTION 1. Subordinate officers of the Police Department shall consist of captains, who shall each receive an annual salary of twenty-four hundred dollars; lieutenants, who shall each receive an annual salary of sixteen hundred and eighty dollars; sergeants, who shall each receive an annual salary of fifteen hundred dollars; and corporals, who shall each receive an annual salary of fourteen hundred and four dollars.

SEC. 2. There shall be one captain for each one hundred police officers. The duties of captains shall be defined by the rules and regulations of the commissioners and by the orders of the Chief of Police.

SEC. 3. There shall be one lieutenant for every fifty police officers. The duties of lieutenants shall be defined by the rules and regulations of the commissioners, by the orders of the Chief of Police, and by the orders of their respective captains.

SEC. 4. There shall be as many sergeants as in the judgment of the commissioners may be advisable, not to exceed one sergeant for every ten police officers. The duties of sergeants shall be defined by the rules and regulations of the commissioners, the orders of the Chief of Police, and the orders of their respective captains and lieutenants.

SEC. 5. There shall be as many corporals as in the judgment of the commissioners may be advisable. The duties of corporals shall be defined by the rules and regulations of the commissioners, the orders of the Chief of Police, and the orders of their respective captains, lieutenants, and sergeants.

SEC. 6. The Chief of Police may detail for detective duties such members of the department as he may select, not to exceed twenty-five. He shall designate a captain of police to act as captain over the officers so detailed, who shall receive an annual salary of three thousand dollars. Such captain shall rank as captain of detectives, and his duties shall be defined by the commissioners and by the Chief of Police. The members so detailed shall be known and ranked as detective sergeants. Each of said detective sergeants shall receive an annual salary of eighteen hundred dollars. They may be removed at any time from such detail by the Chief of Police. Their duties shall be defined by the rules and regulations of the commissioners, by the orders of the Chief of Police, and by the orders of the captain of detectives.

Chapter VI.—Police Officers.

SECTION 1. The police force of the city and county shall not exceed one police officer for each five hundred inhabitants thereof. Police officers shall each receive an annual salary of twelve hundred and twenty-four dollars.

SEC. 2. Every police officer shall, upon the arrest of any person charged with the commission of crime, search the person of such offender, and take from him all property and weapons, and forthwith deliver the same to the prison-keeper, who must deliver the same to the property clerk, to be by him kept until other disposition be made thereof according to law.

SEC. 3. Police officers shall be health officers by virtue of their office.

Chapter VII.—Promotions, Suspensions, Dismissals, and Disratements.

SECTION 1. All promotions in the department shall be from the next lower rank, seniority of service and meritorious public service being considered.

SEC. 2. Any member of the department guilty of any offense, or violation of rules and regulations, shall be liable to be punished by reprimand, or by fine to be fixed by the commissioners, or by dismissal from the department; but no fine shall ever be imposed at any one time for any offense exceeding one month's salary.

SEC. 3. No member of the department shall be subject to dismissal for any cause, or to punishment for any breach of duty or misconduct therein, except after a fair and impartial trial before the commissioners upon a verified complaint filed with the board setting forth specifically the acts complained of, and after such reasonable notice to him of the time and place of hearing as the board may by rule prescribe. The accused shall be entitled upon such hearing to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense to him, the attendance of all witnesses necessary for his defense.

Chapter VIII.—Unclaimed and Stolen Property.

SECTION 1. All property or money taken under suspicion of having been stolen or feloniously obtained, the result of crime or constituting the proceeds of crime, and all property or money taken from intoxicated or insane persons, or other persons incapable of taking care of themselves, or property or money lost or abandoned that may in any way come into the possession or custody of any member of the department, or of any criminal court or judge of the city and county, shall be delivered to the property clerk, who shall enter in a record book, to be kept by him for that purpose, a full and explicit description of the same, together with the name of the person or persons from whom received, the names of any claimants thereto, the time of the seizure, and the final disposition thereof.

SEC. 2. When property or money taken from any person arrested, or otherwise under suspicion of having been feloniously obtained, or of being the proceeds of crime, is brought with the claimant thereof and the person arrested before a court for examination and adjudication, and the court shall adjudge that the person arrested is innocent of the offense alleged, and that the property or money belongs to him, it shall order such property or money returned to the accused, and the property clerk shall thereupon deliver such property or money to him personally, but not to his attorney or agent. If upon such hearing the accused shall be held for trial or examination, such property or money shall remain in the custody of the property clerk until the discharge or conviction of the person accused.

SEC. 3. All unclaimed property and money that has been in the custody of the property clerk for one year shall be sold at public auction, after having been five times

advertised in the official newspaper; and the proceeds of such sale shall be paid into the treasury to the credit of the Police Relief and Pension Fund. In no case shall such property be sold or disposed of until the necessity for the use thereof as evidence has ceased. The proceeds of property taken from insane persons shall not become part of such fund until after the expiration of three years from the time the same is paid into the treasury; but the commissioners and the Chief of Police shall, during such period, make diligent inquiry to ascertain the person or persons to whom the same should by right be payable.

Sec. 4. If any property or money in the custody of the property clerk be required as evidence in any court, it shall be delivered to any officer who shall present an order in writing to that effect from such court, and the clerks of such court shall be responsible for the safe delivery of such property or money to the property clerk.

Sec. 5. All valuables and money in the custody of the property clerk shall be deposited by him for safe-keeping with the Treasurer in such manner and subject to such rules and regulations as may be prescribed by the board.

Chapter IX.—Present Police Force.

SECTION 1. All members of the present police force in good standing in the department at the time this charter goes into effect, and the park police, shall continue therein without civil service examination; but all new appointments and all promotions made after this charter shall go into effect shall be subject to and governed by Article XIII of this charter.

Chapter X.—Police Relief and Pension Fund.

SECTION 1. In order to continue in force and make effectual pensions already existing in favor of the police force, a fund is hereby created to be known and designated as the Police Relief and Pension Fund. The Board of Police Commissioners and its successors in office shall constitute a board of trustees of said fund.

Sec. 2. The Board of Police Commissioners may, by a unanimous vote, retire and relieve from service any aged, infirm, or disabled member of the department who has arrived at the age of sixty-five years, and who, upon an examination by two regularly certificated practicing physicians appointed by the commissioners for that purpose, may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duties. Such retired member shall receive from the Police Relief and Pension Fund a monthly pension equal to one half of the amount of the salary attached to the rank held by him three years prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the department for twenty years continuously next preceding his retirement, and the same shall cease at his death.

Sec. 3. Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the commissioners a verified petition setting forth the facts constituting such disability and the cause thereof, accompanied by a certificate signed by the Chief of Police, the captain of the company to which he belongs, and by two regularly certificated physicians of the city and county recommending his retirement upon a pension on account of such disability, may be retired from the department upon an annual pension equal to one half the amount of salary attached to the rank which he may have held three years prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Sec. 4. The commissioners shall, out of the Police Relief and Pension Fund, provide for the family of any officer, member or employé of the department who may be killed while in the performance of his duty, as follows:

First—Should the decedent be married, his widow shall as long as she may remain unmarried be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one half the salary attached to the position held by their father at the time of his death, until the youngest attains the age of sixteen years.

Third—Should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death, during such time as the commissioners may unanimously determine its necessity.

Sec. 5. Any person receiving a pension as aforesaid from the Police Relief and Pension Fund, who shall be convicted of felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this State, shall forfeit all right to said pension.

Sec. 6. When any member of the department shall, after ten years' service, die from natural causes, then his widow, and if there be no widow, then his children, or if there be no widow or children, then his mother if dependent upon him for support, shall be entitled to a sum equal to the amount retained by the Treasurer from the pay of such deceased member and paid into the Relief and Pension Fund; but the provisions of this section shall not apply to any member of the department who shall have received any pension under the terms of this chapter.

SEC. 7. The commissioners shall make rules and regulations to carry out the provisions of this chapter and to enforce compliance therewith on the part of the members of the department. It shall make up an estimate every year of the amount required to pay all demands on the Police Relief and Pension Fund for the succeeding fiscal year, and certify the same to the Supervisors in connection with and as a part of the annual appropriation for the Police Department.

SEC. 8. The commissioners may, on notice to the Chief of Police, reward any member of the department for conduct which is heroic or meritorious. The form or the amount of such reward shall be discretionary with the board; but it shall not exceed in any one instance one month's salary.

SEC. 9. The Board of Police Pension Fund Commissioners shall hold quarterly meetings on the first Mondays of April, July, October and January of each year, and upon the call of its president. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto, for the amount of money ordered paid to such persons from the Relief and Pension Fund. Each warrant shall state for what purpose the payment is made.

The Board of Police Pension Fund Commissioners shall keep a public record of its proceedings. It shall at each quarterly meeting send to the Treasurer and to the Auditor a written or printed list of all persons entitled to payment from the Relief and Pension Fund, stating the amounts of such payments, and for what granted. Such list shall be certified and signed by the president and secretary of the board. The Auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose which shall be known as the Police Relief and Pension Fund Book. All warrants signed by the president and secretary of the board shall be presented to the Auditor, and be audited and ordered paid by him out of said fund.

SEC. 10. The Board of Police Pension Fund Commissioners shall possess the powers vested in the Board of Police Commissioners to make rules and regulations for its guidance. It may appoint a secretary, and provide for the payment from said fund of all its necessary expenses, not exceeding fifty dollars for any one month, including the salary of the secretary and printing. No compensation shall be paid to any member of the board for any duty required or performed as Police Relief and Pension Fund Commissioner.

SEC. 11. The Supervisors shall annually, when the tax levy is made, direct the payment into the aforesaid fund of the following moneys:

1. Not less than five nor more than ten per centum of all moneys collected and received from licenses for the keeping of places where spirituous, malt or other intoxicating liquors are sold.

2. One half of all moneys received from taxes or from licenses upon dogs.

3. All moneys received from fines imposed upon members of the Police Department for violation of law or the rules or regulations thereof.

4. All proceeds of sales of unclaimed property.

5. Not less than one fourth nor more than one half of all moneys received from licenses from pawnbrokers, billiard-hall keepers, dealers in second-hand merchandise and from junk stores.

6. All moneys received from fines, for carrying concealed weapons.

7. Twenty-five per centum of all fines collected in money for violation of any ordinance.

8. All rewards to members of the Police Department, except such as shall be excepted by the commissioners.

9. The Treasurer shall retain from the pay of each member of the police force two dollars a month, which shall be forthwith paid into the police relief and pension fund. No other or further retention or reduction shall be made from such pay for any other fund or purpose unless the same is herein authorized.

SEC. 12. When a request is made for regular policemen to be detailed at any place of amusement, or entertainment ball, party, or picnic, the party or person making such request shall first deposit two dollars and fifty cents for each man so detailed with the property clerk of the department, who shall give him a receipt for the same, and such sum shall be at once paid into the treasury to the credit of the police relief and pension fund.

SEC. 13. On the last day of June of each year, or as soon thereafter as practicable, the Auditor shall make a report to the Supervisors of all moneys paid out of such fund during the previous year, and of the amount then to the credit of such fund. The surplus then remaining in such fund exceeding the average annual amount paid out of such fund during the three years next preceding shall be transferred to and become a part of the surplus fund, and shall be no longer under the control of the board, or subject to its order. Payments provided for in this chapter shall be made quarterly upon proper vouchers. When in any one year a deficiency shall exist in such fund, such deficiency shall be provided for and made good by the Supervisors in their next ensuing tax levy.

ARTICLE IX.

FIRE DEPARTMENT.

Chapter I.—Organization and Powers.

SECTION 1. The Fire Department shall be under the management of a Board of Fire Commissioners consisting of four members, who shall be appointed by the Mayor, and each of whom shall receive an annual salary of twelve hundred dollars. No person

shall be appointed a Fire Commissioner who shall not have been an elector of the city and county for at least five years next preceding his appointment.

SEC. 2. The board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the commissioners shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

SEC. 3. The commissioners shall be successors in office of the Fire Commissioners holding office in the city and county at the time this charter shall go into effect by virtue of appointment under any statute or law of this State.

SEC. 4. The commissioners shall organize by electing one of their number president, who shall hold office for one year. The board may appoint a secretary, who shall perform such duties as the board may prescribe. He shall receive an annual salary of twenty-four hundred dollars. The board shall meet at least once a week, and as often as the business of the department may require, and all its meetings shall be public.

SEC. 5. The board shall organize the department, create and establish such fire companies as it may deem necessary, prescribe the number and duties of the officers, members and employes of the department, and the uniforms and badges to be worn by them; have control of all the property and equipments of the department, and exercise full power and authority over all appropriations made for the use of the department.

SEC. 6. All persons appointed to positions in the department must be citizens of the United States, not less than twenty-one nor more than thirty-five years of age, of good character for honesty and sobriety, able to read and write the English language, residents of the city and county at least five years next preceding the date of their appointment, must pass a medical examination under such rules and regulations as may be prescribed by the commissioners, and upon such examination be found in sound bodily health.

SEC. 7. No officer, member or employé of the department shall be appointed, transferred or removed because of his political opinions, nor shall he be transferred or dismissed except for cause, nor until after a trial before the commissioners.

SEC. 8. The commissioners shall see that the officers, members and employes of the department faithfully discharge their duties, and that the laws, ordinances and regulations pertaining to the department are carried into effect. The board shall make such rules and regulations as may be necessary to secure discipline and efficiency in the department, and for any violation of such rules and regulations may impose reasonable fines upon the officers, members and employes of the department, or may suspend any of them for such reasonable time as the board may by rule prescribe. Such fines shall be deducted from the monthly warrants of the officers, members and employes upon whom they are imposed, and shall be transferred by the Treasurer to the Firemen's Relief and Pension Fund.

SEC. 9. The clerk and commissary of the Fire Department Corporation Yards shall not deliver any supplies or stores of the Fire Department except upon an order signed by the Chief Engineer and the Secretary of the Commissioners; but during a conflagration, such material or apparatus as may be required for the purpose of extinguishing such conflagration may be withdrawn from said corporation yards by order of the Chief Engineer, or by any officer in charge of the force of the department at such conflagration.

SEC. 10. No member or employé of the Fire Department shall be engaged in any other employment.

Chapter II.—Duties of the Commissioners.

SECTION 1. The Board of Fire Commissioners shall immediately after their appointment and qualification proceed to reorganize the Fire Department in conformity with the provisions of this charter. In so doing the board shall make its appointments of officers and members from the persons constituting the force in the service of the Fire Department at the time this charter goes into effect. Such officers and members shall not be required to pass any civil service examination. All future appointments and promotions shall be made subject to the provisions of Article XIII of this charter. If any reduction is made in the force of the department, the commissioners may temporarily discharge those persons whose discharge shall be most conducive to the efficient reorganization of the department, but in case of a subsequent increase of the force, those temporarily discharged shall be reappointed without civil service examination and assigned to the same rank in which they were at the time of their discharge.

SEC. 2. No officer, member or employé of the department shall be dismissed or transferred except for cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him at least three days previous to the day of trial. He shall have the right to appear in person and by counsel and examine witnesses in his behalf. All witnesses shall be examined under oath, and all trials shall be public.

SEC. 3. When any officer, member or employé of the department shall become temporarily disabled by reason of injuries received while in the actual performance of his duty therein so as to incapacitate him from performing his duty, the commissioners shall allow his salary during the continuance of such temporary disability.

SEC. 4. The commissioners shall see that all contracts awarded and work done for the department are faithfully performed, and shall, upon the awarding of any such contract, exact an adequate bond for the prompt and faithful performance of the same.

The provisions of Article II, Chapter III, of this charter in regard to the advertising for proposals, the affidavit and security accompanying the same, the presentation and

opening of proposals, the awarding of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for furnishing supplies to the Fire Department. Any contract made in violation of any of the provisions of this chapter shall be void.

Chapter III.—The Chief Engineer.

SECTION 1. The Board of Fire Commissioners shall appoint a Chief Engineer, who shall be charged with the special duty of superintending the extinguishment of fires. The Chief Engineer shall be the chief executive officer of the Fire Department, and it shall be his duty and that of the Assistant Chief Engineers and of the Battalion Chiefs to see that all laws, orders, rules and regulations in force in the city and county, or made by the commissioners concerning the Fire Department, are enforced.

SEC. 2. The Chief Engineer may suspend any subordinate officer, member, or employé of the Fire Department, and shall forthwith report in writing such suspension, with his reasons therefor, to the commissioners for their action. He shall diligently observe the condition of the apparatus and workings of the department and report in writing thereon at least once a month to the board, and make such recommendations and suggestions respecting the same as he may deem proper. In the absence or inability of the Chief Engineer, an Assistant Chief Engineer shall perform his duties.

SEC. 3. The Chief Engineer, or, in his absence, the Assistant Chief Engineers, or, in their absence, any Battalion Chief in charge may, during a conflagration, cause to be cut down or otherwise removed any buildings or structures for the purpose of checking the progress of such conflagration.

Chapter IV.—Fire Companies.

SECTION 1. Each steam fire engine company shall be composed of not more than one captain, one lieutenant, one engineer, one driver, one stoker and five hosemen.

Each hook and ladder company shall be composed of not more than one captain, one lieutenant, one driver, one tillerman and eight truckmen.

Each chemical engine company shall be composed of not more than one captain, one lieutenant, one driver and one hoseman.

Each water tower company shall be composed of not more than one captain, one driver and one hoseman.

Each fire boat company shall be composed of not more than one captain, one lieutenant, one engineer, one assistant engineer, two firemen, one pilot and twelve hosemen.

Chapter V.—Fire Marshal.

SECTION 1. The Board of Fire Commissioners, on the written recommendation of the board of directors of the corporation known as the Underwriters' Fire Patrol of San Francisco, may appoint such persons as may be recommended by said board of directors as Fire Marshal and Assistant Fire Marshal. Vacancies occurring in the office of Fire Marshal or Assistant Fire Marshal shall be filled in the same manner. The salaries of said Fire Marshal and of his assistant and deputies shall be fixed and paid by said board of directors of said Underwriters' Fire Patrol of San Francisco, and in no event shall the city and county be liable therefor or for any part thereof.

SEC. 2. The Fire Marshal or, in case of disability, the Assistant Fire Marshal, shall attend all fires which may occur in the city and county, and he shall take charge of and protect all property which may be imperiled thereby.

SEC. 3. The Fire Marshal may call upon policemen during the time of any fire for the purpose of protecting property until the arrival of the owner or claimant thereof, and in case the owner or claimant of such property does not take charge of the same within twenty-four hours the Fire Marshal may have such property stored at the owner's or claimant's expense.

SEC. 4. The Fire Marshal shall be charged with the enforcement of all laws and ordinances relating to the storage, sale and use of oils, combustible materials and explosives, together with the investigation of the cause of all fires. In all cases where there is reason to believe that fires are the result of crime, or that crime has been committed in connection therewith, the Fire Marshal must report the same in writing to the District Attorney. The Fire Marshal shall also have the care of, and may sell, subject to the orders of the Board of Fire Commissioners, all property saved from fire for which no owner can be found, and at once pay the amount realized from any such sale into the treasury. He shall exercise the functions of a police officer.

SEC. 5. The Fire Marshal shall have power to appoint deputies for inspecting buildings, but such deputies shall receive no compensation for their services from the city and county.

Chapter VI.—Fire Wardens.

SECTION 1. The Chief Engineer, Assistant Chief Engineers, Battalion Chiefs and the Fire Marshal shall constitute a Board of Fire Wardens, with power to inspect and report to the Board of Public Works as to the safety of buildings and other structures within the city and county.

Chapter VII.—Firemen's Relief Fund.

SECTION 1. In order to continue in force and make effectual pensions already existing in favor of firemen, a fund is hereby created to be known and designated as the Fire-

men's Relief Fund. The Board of Fire Commissioners of the city and county and its successors in office shall constitute a board of trustees of said fund. The board shall be known as the Board of Fire Pension Fund Commissioners.

Sec. 2. There shall be annually levied, collected and apportioned to the Firemen's Relief Fund a tax sufficient to meet and pay all demands upon said Fund, for the purposes set out in this chapter.

Sec. 3. The commissioners may, by a unanimous vote, retire and relieve from service any aged, infirm or disabled fireman of the department who has arrived at the age of sixty-five years, and who, upon an examination by two regularly certificated practicing physicians appointed by the commissioners for that purpose, may be ascertained to be by reason of such age, infirmity or other disability, unfit for the performance of his duties. Such retired fireman shall receive from the Firemen's Relief Fund a monthly pension equal to one half of the amount of the salary attached to the rank held by him three years prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the Fire Department for twenty years continuously next preceding his retirement, and the same shall cease at his death.

Sec. 4. Any member of the Fire Department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the commissioners a verified petition setting forth the facts constituting such disability and the cause thereof, accompanied by a certificate signed by the Chief of the Fire Department, the captain of the company to which he belongs, and by two regularly certificated physicians of the city and county, recommending his retirement upon a pension on account of such disability, may be retired from the department upon an annual pension equal to one half the amount of salary attached to the rank which he may have held three years prior to the date of such retirement, to be paid to him during his life and to cease at his death. In case his disability shall cease his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Sec. 5. The commissioners shall, out of the Firemen's Relief Fund, provide as follows for the family of any officer, member, or employé of the Fire Department who may be killed while in the performance of his duty:

First—Should the decedent be married, his widow shall as long as she may remain unmarried be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one half the salary attached to the position held by their father at the time of his death, until the youngest attains the age of sixteen years.

Third—Should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death during such time as the commissioners may unanimously determine its necessity.

Sec. 6. Any person receiving a pension from the Firemen's Relief Fund, who shall be convicted of felony, or who shall become dissipated, an habitual drunkard, or who shall become a non-resident of this State, shall forfeit all right to said pension.

Sec. 7. The commissioners shall make rules and regulations to carry out the provisions of this chapter and to enforce compliance therewith on the part of the members of the department. It shall make up an estimate every year of the amount required to pay all demands on the Firemen's Relief Fund for the succeeding fiscal year, and certify the same to the Supervisors in connection with and as a part of the annual appropriation for the Fire Department.

Sec. 8. The Board of Fire Pension Fund Commissioners shall hold quarterly meetings on the first Mondays of April, July, October, and January of each year, and upon the call of its president. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto, for the amount of money ordered paid to such persons from the Firemen's Relief Fund. Each warrant shall state for what purpose the payment is made.

The Board of Fire Pension Fund Commissioners shall keep a public record of its proceedings. It shall at each quarterly meeting send to the Treasurer and to the Auditor a written or printed list of all persons entitled to payment from the Relief Fund, stating the amounts of such payments and for what granted. Such list shall be certified and signed by the president and secretary of the board. The Auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose which shall be known as the Firemen's Relief Fund Book. All warrants signed by the president and secretary of the board shall be presented to the Auditor, and be audited and ordered paid by him out of said fund.

Sec. 9. The Board of Fire Pension Fund Commissioners shall possess the powers vested in the Board of Fire Commissioners to make rules and regulations for its guidance. It may appoint a secretary and provide for the payment from said fund of all its necessary expenses, not exceeding fifty dollars for any one month, including the salary of the secretary and printing; but no compensation shall be paid to any member of the board for any duty required or performed as Fire Pension Fund Commissioner.

Chapter VIII.—Salaries.

SECTION 1. The officers and members of the Fire Department shall receive annual salaries as follows:

Chief Engineer, four thousand dollars; First Assistant Chief Engineer, three thousand dollars; Second Assistant Engineer, twenty-four hundred dollars; battalion chiefs, each twenty-one hundred dollars; superintendent of engines, eighteen hundred dollars; the clerk and commissary of the corporation yards, fifteen hundred dollars; captains, each fourteen hundred and forty dollars; lieutenants, each twelve hundred dollars; engineers, each thirteen hundred and fifty dollars; drivers, stokers, tillermen, truckmen, hosemen, and stewards, for the first year of service, each nine hundred and sixty dollars; for the second year of service, each ten hundred and eighty dollars; and for the third year of service and thereafter each twelve hundred dollars; hydrantmen, each ten hundred and eighty dollars; superintendent of horses, twelve hundred dollars; draymen, each nine hundred dollars; hostlers, each seven hundred and twenty dollars; watchmen, each nine hundred dollars; pilots of fire boats, each twelve hundred dollars; engineers of fire boats, each fifteen hundred dollars; assistant engineers of fire boats, each fourteen hundred and forty dollars; firemen of fire boats, each nine hundred dollars.

Chapter IX.—Department of Electricity.

SECTION 1. There is hereby created a Department of Electricity, which shall have charge of the construction and maintenance of the fire alarm and police telegraph and telephone systems, and shall be under the control of a joint commission composed of the Board of Fire Commissioners and the Board of Police Commissioners.

SEC. 2. There shall be appointed by the Board of Fire Commissioners and Board of Police Commissioners, acting in joint session, a practical and skilled electrician, who shall be called the Chief of the Department of Electricity, and who shall have general supervision of the Department of Electricity. He shall receive an annual salary of twenty-four hundred dollars.

SEC. 3. The joint commission may appoint such assistants as may be necessary to keep the electric and telephone systems in working order; but of those assistants appointed, no operator or inspector shall receive more than twelve hundred dollars a year, and no repairer, lineman, batteryman or instrument-maker shall receive a salary of more than ten hundred and eighty dollars a year.

SEC. 4. The Fire Department and the Police Department shall each have sole control over its own systems and wires.

SEC. 5. Any citizen, firm or corporation may, for the purpose of police or fire protection, be connected with the police or fire signal system, or telephone or telegraph system, upon making fair payment for the connection and use of the same. Such rates of payment shall be fixed by ordinance of the supervisors; but no connection shall be made so as to interfere with the use of the main line.

SEC. 6. The Department of Electricity is also charged with the duty of enforcing all the rules, regulations, orders and requirements made by ordinance of the Supervisors in regard to the inspection and supervision of electrical wires and appliances, and the currents for furnishing light, heat, or power in and upon streets and buildings in the city and county.

ARTICLE X.

DEPARTMENT OF PUBLIC HEALTH.

SECTION 1. There shall be a Department of Public Health under the management of a Board of Health. The board shall consist of seven members, five of whom shall be appointed by the Mayor, and who shall be regularly certificated physicians of the city and county at the time of their appointment, and who must have been such for at least five years next preceding their appointment. The Chief of Police and the President of the Board of Public Works shall be members of the board by virtue of their office.

The members of the board shall serve without compensation. They shall elect one of their number president, and adopt such rules and regulations as may be necessary for the government of the board.

SEC. 2. The appointive members of the board shall hold office for four years. Those first appointed under this charter shall so classify themselves by lot that one of them shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.

SEC. 3. The board shall have the management and control of the city and county hospitals, almshouses, ambulance service, municipal hospitals, receiving hospitals, and of all matters pertaining to the preservation, promotion and protection of the lives and health of the inhabitants of the city and county; and it may determine the nature and character of nuisances and provide for their abatement. It shall have the sanitary supervision of the municipal institutions of the city and county, including jails, school-houses and all public buildings; of the disposition of the dead; of the disposition of garbage, offal and other offensive substances.

Except as provided in Article II, Chapter III, of this charter, it shall have exclusive control and disposition of all expenditures necessary in the institutions under its immediate control.

SEC. 4. The board shall enforce all ordinances, rules and regulations which may be adopted by the Supervisors for the carrying out and enforcement of a good sanitary condition in the city and county; for the protection of the public health; for deter-

SEC. 6. Notice of the time, place and general scope of every examination shall be given by the commissioners by publication for two weeks preceding such examination in the official newspaper, and such notice shall also be posted by the commissioners in a conspicuous place in their office for two weeks before such examination. Such further notice of examination shall be given as they may prescribe.

SEC. 7. From the returns of the examiners, or from the examinations made by the commissioners, the commissioners shall prepare a register for each grade or class of positions in the classified service of the city and county of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the commissioners, and who are otherwise eligible. Such persons shall take rank upon the register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination.

SEC. 8. The commissioners shall provide for promotion in the classified service on the basis of ascertained merit and seniority in service and standing upon examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank established by the commissioners for each department as desire to submit themselves to such examinations. The commissioners shall submit to the appointing power the names of not more than three applicants having the highest rating for each promotion. The method of examining, and the rules governing the same, and the method of certifying, shall be the same, as near as may be, as provided for applicants for original appointments.

SEC. 9. The head of the department or office, in which a position classified under this article is to be filled, shall notify the commissioners of that fact, and the commissioners shall then certify to the appointing officer the name and address of one or more candidates, not exceeding three, standing highest upon the register for the class or grade to which the position belongs; but laborers shall be taken according to their priority of application. In making such certification, sex shall be disregarded, except when some statute, the rules of the commissioners, or the appointing power specifies sex.

SEC. 10. The appointing officer shall notify the commissioners of each position to be filled separately, and shall fill such place by the appointment of one of the persons certified to him by the commissioners therefor. Such appointment shall be on probation for a period to be fixed by the rules of the commissioners; but such rules shall not fix such period at exceeding six months. The commissioners may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which a candidate is employed, may, by and with the consent of the commissioners, discharge him upon assigning in writing his reason therefor to the commissioners. If he is not then discharged, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or office may, with the approval of the commissioners, make temporary appointments, to remain in force not exceeding sixty days, and only until regular appointments, under the provisions of this article, can be made.

SEC. 11. The provisions of this article shall apply to the following offices and departments of the city and county: The County Clerk, the Assessor, the Tax Collector, the Sheriff, the Auditor, the Recorder, the Coroner, the clerks and stenographers of the Justices' and Police Courts, the Board of Public Works, the Police Department, the Fire Department, the Board of Election Commissioners, the Board of Health, and all boards or departments controlling public utilities; but the following deputies, clerks, and employees in said offices and departments shall be exempted therefrom: the cashier of the County Clerk, the chief deputy and the cashier of the Assessor, the chief deputy and the cashier of the Tax Collector, the Under Sheriff, and the chief bookkeeper of the Sheriff, the Deputy Auditor, the chief deputy of the Recorder, the Chief Deputy Coroner, the City Engineer, the secretary and the architect of the Board of Public Works, the Registrar of the Board of Election Commissioners, the Chief of Police, the Chief Engineer of the Fire Department, and all physicians appointed by or on the Board of Health. All officers, courts, boards and heads of departments vested in this charter with the power to appoint deputies, clerks, stenographers, or employees in any of the offices or departments of the city and county mentioned in this section, shall make such appointments in conformity with the rules and provisions prescribed by this article, and any appointment not so made shall be void.

SEC. 12. No deputy, clerk, or employee in the classified civil service of the city and county, who shall have been appointed under said rules, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before the Civil Service Commission, or by or before some officer or board appointed by the commissioners to conduct such investigation. The finding and decision of the commissioners, or such investigating officer, or board, when approved by the commissioners, shall be certified to the appointing officer or board, and shall be forthwith enforced by such officer. Nothing in this article shall limit the power of any officer or board to suspend a subordinate for a reasonable period, not exceeding thirty days.

SEC. 13. Immediate notice in writing shall be given by the appointing power to the commissioners of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, suspensions or vacancies from any cause in such service, and of the date thereof; and a record of the same shall

be kept by the commissioners. When any place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to the commissioners.

SEC. 14. The commissioners shall investigate the enforcement of the provisions of this article, and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in the city and county, and may inquire as to the nature, tenure and compensation of all places in the public service thereof.

SEC. 15. The commissioners shall, on or before the fifteenth day of January in each year, make to the Supervisors a report showing their acts, the rules in force, the practical effects thereof, and suggestions for the more effectual accomplishment of the purposes of this article. The Mayor may require a report from the commissioners at any time.

SEC. 16. The commissioners shall employ a chief examiner, who shall, under their direction, superintend any examination held in the city and county under this article, and who shall perform such other duties as the commissioners may prescribe. The chief examiner shall be secretary of the commission by virtue of his office. He shall keep minutes of its proceedings, preserve all the reports made to it, and keep a record of all examinations held under its direction. He shall receive an annual salary of twenty-four hundred dollars.

SEC. 17. The Supervisors shall furnish the commission with suitable offices, office furniture, books, stationery, blanks, heat, and light, and shall provide for the payment of such other expenses as may be necessarily incurred in carrying out the provisions of this article.

SEC. 18. No person or officer shall by himself, or in cooperation with other persons, defeat, deceive, or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

SEC. 19. The commissioners shall certify to the Auditor all appointments to places of employment in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation, or death, and all findings made or approved by the commission under the provisions of section twelve of this article.

SEC. 20. The commissioners shall have power to institute and prosecute legal proceedings for violations of any of the provisions of this article.

ARTICLE XIV.

PARK COMMISSIONERS

SECTION 1. The lands designated upon the map of the outside lands of the city and county, made pursuant to Order Number One Hundred, by the word "park," extending from Stanyan street to the Pacific ocean and known as Golden Gate Park; also the land fronting on Haight street, designated upon said map by the word "park," and known as "Buena Vista Park"; also the lands designated upon said map by the word "avenue," extending from Baker street westward until it crosses Stanyan street; also that certain highway bounded on the west by the Pacific ocean, and designated upon said map as "Great Highway"; also "Mountain Lake Park"; also "Seal Rocks," as ceded to the City and County of San Francisco by Act of Congress; and all the other parks and squares in the city and county, and all the grounds surrounding public buildings in the city and county, and all parks and squares and public pleasure grounds hereafter acquired by the city and county shall be under the exclusive control and management of a Board of Commissioners, who shall be known and designated as Park Commissioners.

SEC. 2. The commissioners shall be successors in office of the Park Commissioners holding office in the city and county at the time this charter shall go into effect by virtue of appointment under any statute of this State.

SEC. 3. The commissioners shall be five in number, one of whom must be an artist. They shall be appointed by the Mayor for a term of four years and shall receive no compensation for their services. They shall so classify themselves by lot that one of them shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.

SEC. 4. The commissioners shall organize by electing one of their number president, and they may elect a secretary who is not a member of the board. The board shall establish rules and regulations for its government and for the performance of its duties, and for the conduct of its officers and employes, and shall require adequate bonds from all of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it. Such bonds shall be approved by the Mayor and filed in the office of the Auditor. The person elected president shall hold his office for one year, or until his successor is elected. The board must hold regular meetings at least once in two weeks, and as many special meetings as it may deem proper.

Three of the commissioners shall constitute a quorum for the transaction of business. No contract shall be entered into authorizing the expenditure of money without the approval of four of the commissioners. Every contract exceeding five hundred dollars in amount shall be open to public competition, unless the board shall determine in any

given case to have the work done by days' labor. All the provisions of the article in this charter on the department of public works relating to contracts shall be applicable to all contract work ordered by the commissioners.

SEC. 5. The commissioners may adopt ordinances for the regulation, use and government of the aforesaid parks, squares, avenues and grounds not inconsistent with the laws of the State of California or with this charter. Such ordinances shall, within five days after their passage, be published for ten days, Sundays excepted, in the official newspaper. Any person violating any of such ordinances shall be deemed guilty of a misdemeanor, and shall be punished therefor, on conviction, in any court of competent jurisdiction. None of such ordinances shall be valid unless it receives the vote of four members of the board. No ordinance shall be passed at the same meeting at which it is introduced, or at any other than a regular meeting. Such ordinances shall take effect in not less than ten days after their adoption.

SEC. 6. The commissioners shall have the complete and exclusive control, management and direction of the aforesaid parks, squares, avenues and grounds, and the exclusive right to erect, and to superintend the erection of, buildings and structures thereon; and to that end may employ and appoint superintendents, laborers, surveyors, engineers, and other officers and assistants, and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support of said parks, squares, avenues and grounds.

The board may accept from donors suitable articles for the museum and art gallery situate in the aforesaid Golden Gate Park and shall manage and control said museum and art gallery.

Except as provided in section nine of this chapter, nothing in this section shall be so construed as to authorize the commissioners to lease any part of any of said parks, squares, avenues and grounds to any person, company or corporation for any purpose; or to permit any person, company or corporation to build or maintain any structure on any part of said parks, squares, avenues or grounds; but this shall not inhibit the board from leasing, for a period not greater than one year, such buildings as may be constructed by itself for the use of the public to such person, company or corporation who shall undertake to serve such use; and in every such lease the board shall reserve the right to enter at all times into and upon the premises so leased, and shall make the condition that the building so leased shall be used for park-pleasure purposes only. No such building shall be constructed by the board except it be within the objects and purposes for which said parks, squares, avenues and grounds were dedicated to the public.

Nothing, however, in this section contained shall inhibit the board from permitting the use of a limited portion of any one of the aforesaid parks or squares for the purpose of conducting thereon a fair or exposition, under such conditions and restrictions as may be necessary to conserve the integrity of said parks and squares, and for a period not greater than six months, and so as not to interfere with the use of any of the same by the public for park-pleasure purposes; but no such permission shall ever be granted except such fair or exposition be of National, State, or municipal importance. None of the moneys in, or apportioned to, the Park Fund shall be used for the purposes of any such fair or exposition.

SEC. 7. The Chief of Police shall, on the request of the commissioners, detail such members of the police force of the city and county for service in said parks, squares, avenues, and grounds as may be necessary for the enforcement of the law and for the proper observance of the ordinances of the commissioners; and the commissioners may provide a place of detention within either of said public places, in which the persons arrested for violating any of the ordinances of the board may be detained temporarily.

SEC. 8. The board may receive donations from persons and corporations and legacies and bequests for the improvement of said parks, squares, avenues, and grounds. All moneys that may be derived from such donations, legacies, and bequests shall, unless otherwise provided by the terms of such gift, legacy, or bequest, be deposited in the treasury of the city and county to the credit of the Park Fund. The same may be withdrawn therefrom and paid out in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares, avenues, and grounds. If the moneys derived from such gifts, bequests, or legacies shall at any time exceed in amount the sum necessary for immediate expenditures on said parks, squares, avenues, and grounds, the board shall invest all or a part of the same in interest-bearing bonds of the United States, or of the State of California, or of any municipality thereof.

SEC. 9. The board may lease to the State of California, on such terms as it may deem proper, a plot of ground in Golden Gate Park, not more than seven hundred feet square, on which said State may erect and maintain an exposition building, in which may be exhibited the products of the several counties of the State, and in which the collection made by the State Mining Bureau may be maintained and exhibited; but said lease shall be upon the express condition that no fee shall ever be charged for admission to said building.

SEC. 10. Hereafter no work of art shall become the property of the city and county by purchase, gift, or otherwise, unless such work of art or design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the commissioners; nor shall such work of art, until so approved, be erected or placed in or upon, or allowed to extend over or upon, any street

avenue, square, park, municipal building, or other public place belonging to the city and county. The board may require a complete model of the proposed work of art to be submitted. The term "work of art" as used in this section shall apply to and include all paintings, mural decorations, stained glass, statues, bas reliefs, or other sculptures, monuments, fountains, arches, or other structures of a permanent character, intended for ornament or commemoration. No existing work of art in the possession of the city and county shall be removed, relocated, or altered in any way without the similar approval of the board. When so requested by the Mayor, or the Supervisors, or the Board of Public Works, or the Board of Education, the Board of Park Commissioners shall act in a similar capacity, with similar powers, in respect of the designs of municipal buildings, bridges, approaches, gates, fences, lamps, or other structures erected or to be erected upon land belonging to the city and county, and in respect of the lines, grades, and plotting of public ways and grounds, and in respect of arches, bridges, structures, and approaches which are the property of any corporation or private individual, and which shall extend over or upon any street, avenue, highway, park, or public place belonging to the city and county. This section shall not be so construed as to impair the power of the Park Commissioners to refuse their consent to the erection or acceptance of public monuments or memorials or other works of art of any sort within any park, square, or public place in the city and county.

Sec. 11. The Supervisors shall provide all necessary money for the maintenance, preservation, and improvement of said parks, squares, avenues, and grounds, and to that end shall annually levy a tax on all property in the city and county not exempt from taxation, which shall not be less than five cents nor more than seven cents upon each one hundred dollars assessed valuation of said property.

ARTICLE XV.

BONDS OF OFFICIALS.

SECTION 1. Officers of the city and county, before entering upon the discharge of their official duties, shall respectively give and execute to the city and county such official bonds as may be required by law, ordinance, or this charter. When the amount of any bond is not fixed by law or by this charter, it shall be fixed by an ordinance of the Supervisors. All bonds, excepting those of the Mayor and Auditor, must be approved by the Mayor and Auditor; the bond of the Mayor must be approved by the Auditor, and the bond of the Auditor must be approved by the Mayor. The approval of every official bond must be indorsed thereon, and signed by the officers approving the same, after examination of the sureties, as hereinafter provided. Upon the approval of a bond it must be recorded, at the expense of the party giving the bond, in the office of the Recorder, in a book kept for that purpose, entitled record of official bonds. The bond of the Auditor shall be filed and kept in the office of the County Clerk. The bonds of all other officers shall be filed and kept in the office of the Auditor.

Sec. 2. The following officers shall respectively execute official bonds to the city and county, with sureties, in the following sums:

Mayor, twenty-five thousand dollars; Auditor, fifty thousand dollars; Treasurer, one hundred thousand dollars; Tax Collector, one hundred thousand dollars; Assessor, fifty thousand dollars; County Clerk, fifty thousand dollars; Recorder, ten thousand dollars; Sheriff, fifty thousand dollars; Coroner, ten thousand dollars; City Attorney, ten thousand dollars; District Attorney, ten thousand dollars; Public Administrator, fifty thousand dollars; Superintendent of Public Schools, five thousand dollars; each Commissioner of Public Works, twenty-five thousand dollars; Clerk of the Supervisors, ten thousand dollars; each supervisor, five thousand dollars; each School Director, five thousand dollars; each Fire Commissioner, ten thousand dollars; each Police Commissioner, five thousand dollars; each Election Commissioner, ten thousand dollars; Property Clerk of Police Department, ten thousand dollars; the Warrant and Bond Clerk, ten thousand dollars.

Sec. 3. City and county officers shall not be accepted as surety for each other on official bonds. Every bond shall contain a condition that the principal will faithfully perform all official duties then, or that may thereafter be imposed upon or required of him by law, ordinance, or this charter, and that at the expiration of his term of office he will surrender to his successor all property, books, papers, and documents that may come into his possession as such officer. Such bond must also be executed by two or more sureties, who shall each justify in the amount required for said bond; but when the amount of the bond is more than five thousand dollars, the sureties may become severally liable for portions of not less than twenty-five hundred dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond.

Sec. 4. Every surety upon an official bond, other than lawfully authorized surety companies, must make an affidavit, which shall be indorsed upon such bond, that he is a resident and freeholder in the city and county, and worth in property situated in the city and county, exclusive of incumbrances thereon, double the amount of his undertaking over and above all sums for which he is already liable or in any manner bound, whether as principal, indorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the officers whose duty it is to approve the bond.

SEC. 5. When under any of the provisions of this charter, or of any ordinance, an official bond shall be required from an officer, the Supervisors may, by resolution, require an additional bond, whenever, in the opinion of such board, such bond or any surety thereto becomes insufficient; and such additional bond shall also be required when a surety to a bond shall die or cease to be a resident of the city and county.

SEC. 6. Every officer shall be liable on his official bond for the acts and omissions of his deputies, assistants, clerks, and employes, appointed by him, and of any and each of them, and every official bond shall contain such a condition.

SEC. 7. Every board, department, or officer may require of their deputies, clerks, or employes bonds of indemnity with sufficient sureties for the faithful performance of their duties.

ARTICLE XVI.

MISCELLANEOUS.

SECTION 1. The words "city and county" wherever they occur in this charter mean the City and County of San Francisco; and every department, board, and officer, wherever either one of them is mentioned in this charter, means a department, board, or officer, as the case may be, of the City and County of San Francisco.

SEC. 2. All deputies, clerks, assistants, and other employes of the city and county must be citizens of the United States, and must, during their respective terms of office or employment, actually reside in the city and county, and must have so resided for one year next preceding their appointment.

SEC. 3. No officer of the city and county, except members of the Police Department acting under orders of the Chief thereof, shall absent himself from the State; but he may, once only during his term of office, so absent himself for a period of not more than sixty days upon the written permission of the Mayor so to do. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

SEC. 4. Any person holding a salaried office under the city and county, whether by election or appointment, who shall, during his term of office, hold or retain any other salaried office under the government of the United States or of this State, or who shall hold any other salaried office connected with the government of the city and county, or who shall become a member of the Legislature, shall be deemed to have thereby vacated the office held by him under the city and county.

SEC. 5. No department, board, or officer, shall, under any circumstances, employ more subordinates than are specifically provided for in this charter or buy supplies beyond the sum furnished therefor by the Supervisors.

SEC. 6. No Supervisor and no officer or employe of the city and county shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, the city and county, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city and county. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city and county, or any department or officer thereof, or in any franchise, right or privilege granted by the city and county, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred and disqualified from being elected, appointed or employed in the service of the city and county; and all such contracts shall be void, and shall not be enforceable against the city and county.

SEC. 7. No officer or employe of the city and county shall give or promise to give to any other person any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being, nominated, appointed, voted for, or elected to, any office or employment; and if any such promise or gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed or employed in the service of the city and county.

SEC. 8. Any officer of the city and county who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employe, or from any candidate or applicant for any position as employe or subordinate under him, shall forfeit his office; and be forever debarred and disqualified from holding any position in the service of the city and county.

SEC. 9. Every department, board and commission provided for in this charter, except the Supervisors, shall render to the Mayor within one month after the end of each fiscal year a full report of all the operations of such department or board or commission for such year.

SEC. 10. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of the city and county, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days.

SEC. 11. Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance or this charter, shall be liable to the city and county individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

SEC. 12. The departments, boards, commissioners and officers provided for in this charter shall be entitled to the possession of all papers, books, documents, maps, plats, records and archives in the possession or under the control of those respectively who are superseded in office under this charter by such departments, boards, commissioners and officers.

SEC. 13. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the records of the Police Department shall not be subject to such inspection except permission be given by the Police Commissioners or by the Chief of Police.

SEC. 14. The Treasurer shall keep his office open for business every day, except legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon. Except where otherwise provided for by law, or by this charter, all other public offices shall be kept open for business every day, except legal holidays, from half-past eight o'clock in the forenoon until five o'clock in the afternoon; and, in addition thereto, from the first day of November until the last Monday of December in each year the office of the Tax Collector shall be kept open until nine o'clock in the evening.

SEC. 15. No person shall be eligible to or hold any office, or be clerk or deputy in any office or department, who has been found guilty of malfeasance in office, bribery or other infamous crime or who in any capacity has embezzled public funds.

SEC. 16. The fiscal year mentioned in this charter shall commence on the first day of July and end on the thirtieth day of June following.

SEC. 17. All moneys, assessments and taxes belonging to or collected for the use of the city and county, coming into the hands of any officer of the city and county, shall immediately be deposited with the Treasurer for the benefit of the funds to which they respectively belong. If such officer for twenty-four hours after receiving the same shall delay or neglect to make such deposit, he shall be deemed guilty of misconduct in office and may be removed.

SEC. 18. Any elected officer, except Supervisor, may be suspended by the Mayor and removed by the Supervisors for cause; and any appointed officer may be removed by the Mayor for cause. The Mayor shall appoint some person to discharge the duties of the office during the period of such suspension.

SEC. 19. When the Mayor shall suspend any elected officer he shall immediately notify the Supervisors of such suspension and the cause therefor. If the board is not in session he shall immediately call a session of the same in such manner as shall be provided by ordinance. The Mayor shall present written charges against such suspended officer to the board and furnish a copy of the same to said officer, who shall have the right to appear with counsel before the board in his defense. If by an affirmative vote of not less than fourteen members of the Board of Supervisors, taken by ayes and noes and entered on its record, the action of the Mayor is approved, then the suspended officer shall thereby be removed from office; but if the action of the Mayor is not so approved such suspended officer shall be immediately reinstated.

SEC. 20. When the Mayor shall remove an appointed officer from office, he shall immediately notify the Board of Supervisors of such removal and furnish it a statement of the cause therefor, which statement shall be entered in the record of its proceedings.

SEC. 21. Unless otherwise provided by law or by this charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employé, shall have the right to remove any person so appointed.

SEC. 22. All appointments of officers, deputies and clerks to be made under any provision of this charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of such duplicates must be filed with the secretary of the Civil Service Commission and the other with the Auditor.

SEC. 23. Wherever it is provided in this charter that the members of any board, department or commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the secretary thereof and signed by all of said members, shall be filed with the Clerk of the Supervisors. In every case such classification must be made at the first meeting of the board.

SEC. 24. Every officer and every member of any board or committee provided for in this charter shall have the power to administer oaths and affirmations, and every such board, officer or committee shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before any such board, officer or committee. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document, as required by such subpoena, or shall refuse to testify before any such board, officer or committee, or to answer any question which any officer or a majority of such board or committee shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board, officer or committee shall have power to take the proceedings in that behalf provided by the general laws of this State. The Chief of Police must, on request of such officer or of any member of any such board or committee, detail a police officer or officers to serve such subpoenas.

SEC. 25. All publications provided for in this charter must be made in the official newspaper only.

SEC. 26. All franchises and privileges heretofore granted by the city and county which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

SEC. 27. All ordinances or resolutions for the improvement of any street for which no contract shall have been entered into at the time this charter takes effect are hereby repealed.

SEC. 28. All ordinances, orders and resolutions of the Supervisors of the city and county in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 29. When the Supervisors shall determine that the public interest requires the construction or acquisition of any permanent municipal building or improvement, the cost of which in addition to the other expenses of the city and county will exceed the income and revenue provided for the city and county for any one year, they must by ordinance passed by the affirmative vote of not less than fourteen members of the board submit a proposition to incur a bonded indebtedness for such purpose to the electors of the city and county at a special election to be held for that purpose only. All the provisions of this charter providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition to the electors, to the limitations of said bonded indebtedness, to the issuance and character of the same, and to the time when and the kind of money in which said bonded indebtedness shall be payable. The proceeds of the sales of such bonds shall be paid into the treasury to the credit of the Public Building Fund.

SEC. 30. Every assistant deputy or other subordinate of any board, department or officer, shall discharge any of the duties pertaining to such department, board or office as his chief may assign him to.

SEC. 31. No member of the Board of Police Commissioners and no member of the Board of Fire Commissioners shall be eligible to any elective office while he is a member of such board, or for one year thereafter.

SEC. 32. No member of the Board of Police Commissioners and no member of the Board of Fire Commissioners, and no officer, subordinate, or employé of the Police Department or of the Fire Department, shall be a member of any partisan convention the purpose of which is to nominate candidates for office; nor shall either of them directly or indirectly electioneer, by soliciting votes or otherwise, for or against any candidate for office at any election, or for or against any candidate for nomination before any political convention, or for or against any candidate for delegate to such convention at any primary election; nor shall either of them be a member of any committee, club, or organization the purpose of which is to nominate or indorse candidates for office at any election; nor in any way attempt to influence or control such committee, club, or organization, while nominating or indorsing said candidates; nor take any part in the control, management or distribution of the political patronage of any public officer; nor shall any member of either of said boards, or any officer, subordinate or employé of either of said departments directly or indirectly attempt to control or in any manner influence the action of any officer, subordinate or employé of either of said departments at any general, special or primary election. And no officer, subordinate or employé of either of said departments shall levy, collect or pay any amount of money as an assessment or contribution for political purposes. Any person violating any of the provisions of this section shall be removed forthwith from his office or employment. If the violation be by a member of either of said boards the Mayor must remove such member; and if by an officer, employé or subordinate of either of said departments, then the board whose officer, employé or subordinate has been guilty of such violation, must remove such officer, employé or subordinate; and if such board fail or refuse to make such removal, then the Mayor must remove all members of the board who have so failed or refused.

SEC. 33. No deputy, clerk or other employé of the city and county shall be paid for a greater time than that covered by his actual service.

SEC. 34. The salaries provided in this charter shall be in full compensation for all services rendered, and every officer shall pay all moneys coming into his hands as such officer, no matter from what source derived or received, into the treasury of the city and county within twenty-four hours after receipt of the same.

SEC. 35. When any officer, board or department shall require additional deputies, clerks or employés, application shall be made to the Mayor therefor, and upon such application the Mayor shall make investigation as to the necessity for such additional assistance; and if he find the same necessary he may recommend to the Supervisors to authorize the appointment of such additional deputies, clerks or employés; and thereupon the Supervisors, by an affirmative vote of not less than fourteen members, may authorize such appointments, and provide for the compensation of such appointees, subject to the limitations contained in this charter, and subject to the provisions of Article XIII thereof.

SEC. 36. At any time between the first day of December, in the year one thousand eight hundred and ninety-nine, and the first day of January, in the year nineteen hundred, the person who, at the election held under this charter in the month of November next preceding, has been elected the Mayor of the city and county, shall make all the appointments provided by this charter to be made by him, and all the persons so appointed shall thereupon qualify as in this charter provided, and shall take office at

the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and all boards, commissions, and officers of the city and county holding by appointment under existing laws shall hold office no longer than said last aforesaid time.

SEC. 37. The balance remaining in the School Fund at the time this charter takes effect shall forthwith be transferred to the Common School Fund created by this charter. The balance remaining in the Library Fund at the time this charter takes effect shall forthwith be transferred to the Library Fund created by this charter. The balance remaining in the Park Improvement Fund at the time this charter takes effect shall forthwith be transferred to the Park Fund created by this charter. The balance remaining in the Unapportioned Fee Fund at the time this charter takes effect shall forthwith be transferred to the Unapportioned Fee Fund created by this charter. The balance remaining in the Police Relief and Pension Fund at the time this charter takes effect shall forthwith be transferred to the Police Relief and Pension Fund created by this charter. The balance remaining in the Surplus Fund at the time this charter takes effect shall forthwith be transferred to the Surplus Fund created by this charter. The balance remaining in the Special Deposit Fund at the time this charter takes effect shall forthwith be transferred to the Special Deposit Fund created by this charter. The balance remaining in the General Fund at the time this charter takes effect, the balance remaining in the Street Light Fund at the time this charter takes effect, the balance remaining in the Street Department Fund at the time this charter takes effect, the balance remaining in the Police Contingent Fund at the time this charter takes effect, the balance remaining in the Pound Fee Fund at the time this charter takes effect, and the balance remaining in the Special Fee Fund at the time this charter takes effect, shall each and every of them be forthwith transferred to the General Fund created by this charter. Out of the said General Fund shall be paid, as in this section hereinafter provided, all the expenses of the various departments of the city and county, except such expenses as are by this charter to be paid out of the funds specifically provided for the payment of such expenses. For the six months ending on the thirtieth day of June, in the year nineteen hundred, each and every of said departments shall expend the moneys set apart to each of them by the Board of Supervisors of the existing municipality. So much of said moneys set apart by said Board of Supervisors to the Superintendent of Public Streets, Highways and Squares for the fiscal year ending on said thirtieth day of June, in the year nineteen hundred, as shall remain unexpended at the time this charter takes effect, shall be expended during said six months by the Board of Public Works in the operations of the department committed to its charge. All the expenses of the city and county which are not to be paid out of specific funds shall be paid during said six months out of the General Fund. Should the moneys set apart by the Board of Supervisors of the existing municipality to any department of the city and county become or be exhausted at any time during said six months, or should any department created by this charter have no money specifically provided for it during said six months, then in each such case the expenses thereof shall be paid out of the General Fund, notwithstanding anything contained in sections six and seven of Chapter I of Article III of this charter. Such pensions as may accrue to firemen under Article IX of this charter during said six months shall be paid out of the General Fund. The existing municipality mentioned in this section is the existing municipality of the City and County of San Francisco and the several funds which are to be transferred as in this section provided are funds of said existing municipality. All the funds of said existing municipality not mentioned in this section, and which are authorized by law, shall be continued in the treasury until the necessity for their continuance ceases.

SEC. 38. When the necessity for maintaining any fund of the city and county in existence at the time this charter takes effect has ceased to exist, and a balance remains in such fund, the supervisors shall so declare by ordinance, and upon such declaration such balance shall be forthwith transferred to the General Fund.

SCHEDULE.

This charter shall be published for twenty days in the San Francisco Call and in the Daily Report, daily newspapers of general circulation in the City and County of San Francisco, and after such publication, viz.: on Thursday, the twenty-sixth day of May, in the year one thousand eight hundred and ninety-eight, it shall be submitted to the qualified electors of said City and County of San Francisco, at a special election, which shall be held on that day, for the sole purpose of voting upon the adoption of the same; and if a majority of the qualified electors of said city and county voting at said election shall ratify the same, it shall be submitted to the Legislature of the State of California for its approval or rejection. If the Legislature shall approve the same, it shall take effect and be in force, except as hereinafter otherwise provided, on and after the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and shall thereupon become the charter and organic law of the City and County of San Francisco, and shall supersede the existing charter of said city and county, and all amendments thereof, and all laws inconsistent with this charter.

The form of ballots at said election shall be as follows: "For the New Charter—Yes," "For the New Charter—No."

For the sole purposes of the election of the officers directed in this charter to be elected by the people, this charter shall take effect on and after its approval by the Leg-

islature, and the election of such officers shall be managed, conducted, and controlled by the Board of Election Commissioners in and for said city and county in office at the time of such election.

And for the sole other purpose of the Mayor elected under this charter making the appointments provided in this charter to be made by him, and of the qualification of the persons so appointed, this charter shall take effect on the first day of December, in the year one thousand eight hundred and ninety-nine.

BE IT KNOWN, That the City and County of San Francisco, containing a population of more than two hundred thousand inhabitants, on the twenty-seventh day of December, in the year one thousand eight hundred and ninety-seven, and under and in accordance with the provisions of Section 8, of Article XI, of the Constitution of this State, did elect the undersigned, a Board of Fifteen Freeholders, to prepare and propose a charter for said city and county; and we, the members of said board, in pursuance of such provisions of the Constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, signed in duplicate, as and for the charter for said City and County of San Francisco.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate, this twenty-fifth day of March, in the year one thousand eight hundred and ninety-eight.

JOSEPH BRITTON, President.
JEROME A. ANDERSON.
JAMES BUTLER.
H. N. CLEMENT.
A. COMTE, JR.
ALFRED CRIDGE.
L. R. ELLERT.
ISIDOR GUTTE.
P. H. MCCARTHY.
JOHN NIGHTINGALE, JR.
JOHN C. NOBMAN.
JOSEPH O'CONNOR.
LIPPMANN SACHS.
EDWARD R. TAYLOR.
A. W. THOMPSON.

Attest: J. RICH'D FREUD, Secretary.

STATE OF CALIFORNIA, }
City and County of San Francisco: } ss.

This is to certify that we, James D. Phelan, Mayor of the City and County of San Francisco, and Thomas J. Glynn, County Recorder of said city and county, have compared the foregoing proposed and ratified charter with the duplicates mentioned therein, and find that the same is an exact copy thereof; and we further certify that the facts set forth in the preamble preceding said charter herein are true.

Dated, San Francisco, Cal., December 30, 1898.

JAMES D. PHELAN,
Mayor of the City and County of San Francisco.
THOS. J. GLYNN,
County Recorder of the City and County of San Francisco.

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each House voting for and concurring herein). That said charter of the City and County of San Francisco, as presented to, and adopted and ratified by, the qualified electors of said city and county, be and the same is hereby approved as a whole, for and as the charter of said City and County of San Francisco.

Concurrent resolution read.

The roll was called, and Assembly Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.
NOES—None.

Ordered immediately transmitted to the Assembly.

COMMUNICATION.

The following communication was read by the Secretary, on motion of Senator Wolfe:

UNION LEAGUE CLUB, SAN FRANCISCO, January 18, 1899.

Hon. E. I. WOLFE, Senate Chamber, Sacramento, Cal.:

DEAR SIR: General W. R. Shafter has accepted an invitation to a dinner to be given

by the club in his honor on Saturday evening next at 7:30. Will you please have it announced in the Senate?

Very truly yours,

S. J. HENDY, Secretary.

MOTIONS, RESOLUTIONS, AND NOTICES.

The following resolution was offered by Senator Stratton:

Resolved, That 1000 additional copies of Senate Bill No. 30 be printed for the use of committees and members.

Resolution read and adopted.

The following resolution was offered by Senator Luchsinger:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant for \$15, payable from the Contingent Fund of the Senate, to be used as a revolving fund for the purchase of stamps, envelopes, and wrappers, at the Senate postoffice.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

The following resolution was offered by Senator Cutter:

Resolved, That the Secretary of the Senate be and he is hereby directed to have printed for the use of members of the Senate, 500 additional copies of Senate Bills Nos. 160, 161, 162, 163, and 164, together with 500 copies of the statement of the moneys expended and the taxes paid by the various counties in the State for road purposes, and the State Printer is directed to print same.

Resolution read and adopted.

Senator Dickinson moved that the Secretary of the Senate direct the Sergeant-at-Arms to remove the inaugural ball decorations from the windows of the Senate.

Senator Taylor moved to amend by having all such decorations (save the American flags) removed.

Amendment accepted and motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 18, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 31—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Also: Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace.

Also: Senate Bill No. 40—An Act to create an exempt Firemen's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen.

Also: Senate Bill No. 79—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Also: Senate Bill No. 96—An Act to amend Section 798 of an act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Substitute for Senate Concurrent Resolution No. 3—Relating to charter for City of Vallejo—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

TAYLOR, Chairman.

Senate Bills Nos. 31, 40, 79, 96, and 105 ordered on file for second reading.

Substitute for Senate Concurrent Resolution No. 3 ordered on file for adoption.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 19, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$75, for rubber stamps, expressage, and postage, the same payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 19, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of \$140 50, in payment of the several bills hereto attached, and the Treasurer is directed to pay the same:

Senate to John Breuner, Dr.:

Jan. 3—One dozen fiber cuspidors.....	\$13 50
Jan. 5—One galvanized iron tub.....	1 00
Jan. 7—One tool box, lock, and hinges.....	16 50
Repairing one office chair, new casting.....	2 50
Jan. 11—One dozen towel rollers.....	3 00
Repairing desk.....	1 25
Repairing desk.....	75
One No. 34 lock.....	2 25
One new lock, for President.....	2 25
One new desk, repaired, for President.....	3 50
Jan. 12—Repairing shades.....	1 50
Jan. 13—Two shades, glass front.....	5 00
Putting on same.....	1 00
Four Wellsbach burners.....	6 00
Putting on same.....	2 00
Repairing gas jets.....	1 50

Total \$63 50

Sergeant-at-Arms of Senate to Mrs. J. J. Handlin, Dr.:

Jan. 13—Making two dozen towels and washing same, 25 cents apiece..... \$6 00

Senate to Wasserman, Davis & Co., Dr.:

Jan. 5—Sixty yards crash, at 25 cents..... \$15 00

Senate to Tom Scott, Dr.:

Jan. 7—One ten-gallon filter, Sergeant-at-Arms' private room.....	\$ 7 50
One ten gallon filter jar, with faucet.....	5 00
One four-tube filter jar.....	10 00
Two twelve-inch lids.....	2 00
Two electric portables, with cord, plug, socket, and shade.....	20 00
Two celluloid electric shades, with holders.....	2 00
Connecting electric wires on desks.....	2 00
One fourteen-inch patent overflow basin.....	2 50
Labor, putting in basin and clearing pipes.....	5 00

Total \$56 00

FLINT, Chairman.

The question being on the adoption of the resolution.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Stratton, Taylor, and Wolfe—30.

NOES—None.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 19, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Also: Senate Bill No. 76—An Act to prevent deception in the manufacture and sale of butter in packages known as "short weight," and to prevent deception in the use of designs or brands.

Also: Senate Bill No. 91—An Act to prevent deception in the sale of process or renovated butter.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and further recommend that Senate Bill No. 59 be referred to Committee on Finance and Claims.

NUTT, Chairman.

There being no objections, Senate Bill No. 59 was referred to the Committee on Finance and Claims.

Senate Bills Nos. 76 and 91 ordered on file for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 18, 1899.

MR. PRESIDENT: Your committee on Finance and Claims, to whom was referred Senate Bill No. 109—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor and to appropriate money to enforce the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

DICKINSON, Chairman.

Senate Bills Nos. 109 and 21 ordered on file for second reading.

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 19, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred:

Senate Joint Resolution No. 10—Relative to construction and ownership of Nicaragua Canal.

Also: Senate Joint Resolution No. 8—Relative to the irrigation of arid lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Senate Joint Resolution No. 9—Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute be adopted in lieu thereof.

LEAVITT, Chairman.

Senate Joint Resolutions Nos. 8, 9, and 10 ordered on file for adoption.

RE-REFERENCE OF BILL.

On motion of Senator Curtin, Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872—was ordered withdrawn from the Committee on Corporations and referred to Committee on Judiciary.

SUSPENSION OF RULES.

On motion of Senator Luchsinger, the rules were suspended for the purpose of placing Substitute for Senate Concurrent Resolution No. 3 on its adoption.

SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION No. 3.

Approving the charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for this purpose, on the 21st day of March, 1898.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each House voting for and concurring herein), That the charter of the City of Vallejo, as presented to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of the said City of Vallejo aforesaid.

WHEREAS, The City of Vallejo, a municipal corporation, in the County of Solano, State of California, is now, and was at all the times herein referred to, a city containing a population of more than three thousand and five hundred inhabitants, and not more than thirty thousand inhabitants; and

WHEREAS, At a special municipal election, duly held in said city on Monday, March 21, 1898, in accordance with law and the provisions of Section 8 of Article XI of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was, on June 17, 1898, signed in duplicate by all the members of said board of fifteen freeholders, and was, on said last named day returned, one copy thereof to the President of the Board of City Trustees of said city, and the other to the County Recorder of Solano County; and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said City of Vallejo, to wit: The Vallejo Morning Times, for more than twenty days, such publication in each instance having commenced on said July 9, 1898; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of Vallejo, to wit: the President and Board of City Trustees thereof, to the qualified electors of said city at a special election, previously duly called, and thereafter held therein, on December 8, 1898; and

WHEREAS, The returns of said election were duly canvassed by said President and Board of City Trustees of said City of Vallejo at a meeting held on Friday, December 9, 1898 (which said meeting was duly convened); and

WHEREAS, At said special election a majority of such qualified electors of said city, voting at such special election, did vote in favor of and ratify said charter so proposed; and

WHEREAS, Said President and Board of City Trustees, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of said State; and

WHEREAS, the said charter so ratified is in the words and figures following, to wit:

ARTICLE I.

BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation now existing and known as the City of Vallejo shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Vallejo, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings whatever; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold, and enjoy real and personal property within and without its boundaries, and all ditches, rights of way, reservoirs, water rights, and property of every description necessary or convenient to supply said city with water, and for proper sewerage and drainage of the city; receive bequests, gifts, and donations of all kinds of property, in fee simple or in trust, for charitable and other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust; and shall have the right to construct, own, and maintain docks, wharves, piers, and slips, and to collect tolls thereon; and to own and manage its own system of lighting the city.

SEC. 2. The said corporation shall be vested with the control and management of all property, real and personal, of every name and nature and description now owned, controlled, or managed by the Board of Education of the township of Vallejo, or by the high school board of said township, lying within the limits of the City of Vallejo, or of any property that may hereafter be secured by said city or the Board of Education for school purposes; *provided*, that nothing in this section shall ever be construed as depriving any child, of proper school age, residing in the township of Vallejo, of the right to attend said schools. And for the purpose of more fully carrying out the full intention of this section, the Board of Supervisors of Solano County shall annex to the school district of the City of Vallejo, for school purposes only, all the territory lying

outside of said school district of Vallejo, and comprised within the township of Vallejo; *provided, further*, that no school district now organized and supported as such under the law of the State of California shall be annexed, unless on application of a majority of the heads of families residing in said district, as shown on the last report of the school census marshal of the district, and said application must be presented by petition to the Board of Supervisors of Solano County; and whenever such petition is presented in proper form to said board they shall annex such school district to the school district of the City of Vallejo, for school purposes only.

SEC. 3. 1. The corporate limits of the City of Vallejo shall be as follows: Commencing at a point where Magazine Street intersects with the water front; thence along the south side of Magazine Street to the east side of Sixth Street; thence along Sixth Street to the south side of Benicia Avenue; thence along Benicia Avenue to the east side of Ninth Street; thence along Ninth Street to Solano Avenue; thence running northerly along Contra Costa Street, until the same meets the northern line of section eighteen in township three north, range three west, of Mount Diablo meridian; thence west along the United States section line to a point in the Bay of San Pablo one half of a mile distant from the general western shore-line of Mare Island and the salt marsh; thence southerly in a line parallel with said shore-line to the center of the Straits of Carquinez, and following up the center of the Straits of Carquinez to a point due south to the point of beginning; and thence in a straight line to the point of beginning.

The streets and avenues herein mentioned have reference to the map of the City of Vallejo drawn by E. H. Rowe, in the year eighteen hundred and sixty-eight, and now on file for record in the office of the County Recorder of Solano County.

2. The city shall be and is hereby divided into three wards, the respective boundaries of which shall be as follows, to wit:

First Ward—All that portion of the city lying north of the center line of Virginia Street.

Second Ward—All that portion of the city lying between the center line of Virginia Street and the center line of Solano Avenue.

Third Ward—All that portion of the city lying south of Solano Avenue.

Said boundaries shall remain as above described until the Board of Trustees shall, by ordinance, change the same; *provided*, that the boundaries of wards shall not be changed oftener than every five years.

SEC. 4. The City of Vallejo shall continue, under this charter, to have, hold, and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality, and is hereby declared to be the successor of the same; and suits, actions, and proceedings may be brought in the name of the city for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, the city, whether made or arising or accruing before or after the adoption of this charter. All existing suits, actions, and proceedings, in the courts or elsewhere, to which the city is a party, shall continue to be carried on by or against the city.

SEC. 5. Except on such streets as have been accepted, no recourse shall be had against the city for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court, or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court, or place, or by want of repair of any sewer; nor shall there be any recourse against the city for damage to person suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court, or place, or by falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street, or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained.

ARTICLE II.

EXECUTIVE DEPARTMENT.

SEC. 6. The following-named officers are herein provided for, and they shall be elected or appointed, as in this Charter provided: A Mayor; a Board of City Trustees, to consist of five members; a Board of School Directors, to consist of five members; a Board of Free Library Trustees, which shall consist of five members; a Board of Public Works, to consist of three members; a Board of Health, to consist of five members; a City Clerk, who shall be clerk to the Commissioners of Public Works, and water rent collector; a Treasurer, who shall be ex officio Tax Collector and License Tax Collector; a City Engineer; a City Attorney; an Auditor, who shall be ex officio Assessor; a Superintendent of the Water Department, who shall be ex officio Superintendent of Streets; a Deputy Superintendent of the Water Department; a Chief of Police; a Chief Engineer of the Fire Department.

ARTICLE III.

LEGISLATIVE DEPARTMENT—THE BOARD OF CITY TRUSTEES.

SEC. 7. The legislative power of the City of Vallejo shall be vested in a legislative body, which shall be designated the Board of City Trustees.

SEC. 8. The Board of City Trustees shall consist of five members, whose term of office shall be four years. Two members shall be nominated from the First Ward, two members from the Second Ward, and one member from the Third Ward, and they shall be elected at large. Each one must be at the time of his nomination an elector of the city, and must have been such for at least three years next preceding his election, and must be a bona fide resident of the ward from which he is nominated, and have been such for at least six months next preceding his election.

SEC. 9. The Board of City Trustees shall upon holding their first meeting under this charter elect a president from their own number, who shall preside at all meetings of the board in the absence of the Mayor.

SEC. 10. A majority of all the members of the board shall constitute a quorum, but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe.

SEC. 11. The board shall establish rules for its proceedings and have authority to punish its members for disorderly or contemptuous behavior in its presence.

All meetings of the board shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, passage of any ordinance, or resolution ordering work to be done, supplies furnished, the ordering of assessments for street improvements, or building of sewers, and in all other cases upon the call of any member; all balloting for officers or confirmation of appointments must be by viva voce.

SEC. 12. The board shall meet on the first and third Wednesdays of each month, or if that day be a legal holiday, then on the next day. The board shall not adjourn to any other place than its regular place of meeting, except in case of great necessity or emergency. The first meeting of each board shall be held on the first Monday in April of the year in which they were elected.

SEC. 13. The clerk of the board, when required to do so, shall administer oaths and affirmations without charge, in all matters pertaining to the affairs of his office, and shall perform such other services as may be prescribed by the board or this charter. He shall have the custody of the seal, and of all leases, grants, and other documents, records, and papers of the city. His signature shall be necessary to all leases, grants, and conveyances of the city.

SEC. 14. The Board of City Trustees may from time to time appoint, out of their own body, such and so many committees, either of a special or general nature, and consisting of such a number of persons as they think fit for any purposes, which, in the opinion of the Trustees, would be better regulated or managed by means of such committees; but the acts of every such committee shall be submitted to the Trustees for approval. Whenever any matter is referred to a committee for investigation or action, said committee shall meet and give the matter such attention as it may require, but no committee shall have power to make any purchase or incur any indebtedness in the name of the city, without first having reported to the board, in regular or special session, the result of their investigation, when the board shall take such action on their report as they may think proper. The board shall not recognize any report that is not made in writing and signed by at least a majority of the members of the committee; except such report be made as a minority report; and no committee shall expend more, or incur any greater indebtedness than they were authorized to by a vote of the board, without having first obtained the consent of the board. All indebtedness incurred contrary to this provision shall be forever void. Standing orders may be made by the Trustees regarding the proceedings and reports of the committees.

SEC. 15. Every legislative act of the city shall be by ordinance. The enacting clause of every ordinance shall be in these words: "Be it ordained by the people of the City of Vallejo, as follows:" No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose.

SEC. 16. No bill shall become an ordinance, nor resolution be adopted, unless finally passed by a majority of all members of the board and the vote be taken by ayes and noes and the names of the members voting for and against the same be entered in the journal, and approved by the Mayor.

SEC. 17. No ordinance shall be revised, reenacted, or amended by reference to its title; but the ordinance to be revised or reenacted, or the section thereof amended, shall be reenacted at length as revised or amended.

SEC. 18. An ordinance shall embrace but one subject, which subject shall be expressed in its title. If any subject be embraced in an ordinance and not expressed in its title, such ordinance shall be void only as to so much thereof as is not expressed in its title.

SEC. 19. When a bill is put upon its final passage in the board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the expiration of twenty-four hours after adjournment. No bill for the grant of any franchise shall be put upon its final passage within ninety days after its introduction, and no franchise shall be renewed before one year prior to its expiration. Every ordinance shall, after amendment, be laid over for one week before its final passage.

SEC. 20. Every bill or resolution providing for any specific improvement, or the granting of any franchise or privilege, or involving a lease, appropriation, or disposition of public property, or the expenditure of public money, except sums less than two hundred dollars, or levying any tax or assessment, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in one newspaper, with the ayes and noes, for at least five consecutive days (Sundays

and legal holidays excepted) before final action upon the same. If such bill be amended, the bill as amended shall be advertised for a like period before the action thereon. But in cases of great necessity the officers and heads of departments may expend such sums of money, not to exceed two hundred dollars, as shall be necessary to meet the requirements of such necessity.

SEC. 21. No ordinance shall take effect until ten days after its passage, unless otherwise provided in such ordinance.

SEC. 22. All ordinances and resolutions shall be deposited with the clerk of the board, who shall record the same at length in a suitable book.

SEC. 23. No ordinance shall be repealed, except by ordinance adopted in the manner hereinbefore set out.

SEC. 24. Except as provided in this charter, all demands payable out of the treasury must, before they can be approved by the Auditor, or paid by the Treasurer, be first approved by the Board of Trustees.

SEC. 25. All books, papers, vouchers, franchises, contracts, bonds, and public documents of every name and description, belonging to the board or any officer of the city, shall be open for the inspection of the public during business hours, and no member of the board, clerk, or any elective officer or employé of the city, shall remove, or allow any one to remove from the office where it properly belongs, any book, paper, voucher, franchise, contract, bond, or other public document of any name or description belonging to the board or any officer of the city, except on the order of a legally organized court, or by order of the board when required for examination or investigation; any violation of this section shall constitute a misdemeanor, and each officer is charged with a knowledge of all books, papers, and documents, whatsoever, placed in his official charge.

SEC. 26. Whenever there shall be presented to the Board of Election Commissioners a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding state or city, county, state and county or city election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the electors of the city, the Board of Election Commissioners must submit such proposed ordinance to the vote of the electors at the next election.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, and occupation. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

The tickets used in such election shall contain the words, "For the Ordinance" (stating the nature of the proposed ordinance), and "Against the Ordinance" (stating the nature of the proposed ordinance).

If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact; and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the Trustees, and the same shall not be repealed by the Trustees. But the Trustees may submit a proposition for the repeal of such ordinance, or for amendments thereto, for vote at any succeeding election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

SEC. 27. The Mayor shall preside at all meetings of the board, but shall not have the right to vote.

Ordinances and resolutions are the formal acts of the board reduced to writing and passed under legal restrictions governing action thereon; orders embrace all other acts, which, being less formal in character, require only to be duly passed by the board and spread upon the minutes. No order, resolution, or ordinance shall have effect without the approval of the Mayor.

In case of orders the approval shall be presumed, unless at the same meeting at which the order was passed, the Mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances after passage must be certified to by the president of the board, and the City Clerk, and shall be submitted to the Mayor, who shall within five days after he has received the same indorse his approval or disapproval thereon, giving the reasons for his disapproval in writing. If he shall sign the same it shall then become an ordinance, but if he shall disapprove the bill he shall state his objections thereto in writing. If the resolution or ordinance is not returned with such approval or disapproval within the time specified, it shall take the same effect as if he had approved the same; *provided*, that when any ordinance or resolution be referred to the Mayor for his approval, within ten days of the end of any term, if he fails to return the same to the board, with his approval or disapproval, within five days after he has received the same, it shall become a law as though he had approved it.

ARTICLE IV.

POWERS AND DUTIES OF THE TRUSTEES.

SEC. 28. Subject to the provisions, limitations, and restrictions in this charter contained, the Board of Trustees shall have the power:

1. To manage and control the finances of the city.

2. To sell, use, lease, control, improve, and take care of the real estate and personal property; *provided, however*, that said board shall have no power to hypothecate any

property of said city, for any purpose whatever; *be it further provided*, that nothing in this charter shall authorize, warrant, or empower said board to ever sell, lease, or assign, convey, mortgage, or hypothecate any part of, or interest in, the water system, or any property belonging thereto, or any rents or income therefrom, now belonging to the City of Vallejo or that may hereafter be acquired by said city, but the Board of City Trustees may rent, from year to year, such lands in Green and Wild Horse valleys, as they may think proper and that will not endanger the safety, supply, or quality of the water required for public use.

3. To make and enforce within the limits of the city, all necessary local, police, sanitary, and other laws and regulations.

4. Except as otherwise provided in this charter, or in the Constitution of the State of California, to regulate and control, for any and every purpose, the use of the streets, highways, wharves, piers, chutes, public thoroughfares, public places, alleys, and sidewalks of the city.

5. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion of a street or adjoining land, for such limited time as may be necessary for such purpose, and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of such streets by the public.

6. To fix the limits within which wooden buildings or structures shall not be erected, placed, or maintained, and to prohibit the same within such limits. Such limits when once established shall not be changed except by extension.

7. To provide for the draining, grading, paving, improvement, and repairs of streets and alleys, and the construction of sidewalks, drains, and sewers therein, and keeping the same in repair, and the cleaning of the streets, drains and sewers, and the prevention and removal of obstructions on the sidewalks, and on all streets, alleys, and public grounds of the city.

8. To provide for lighting, watering, and cleaning the streets of the city. No contract for lighting the streets, public buildings, places, or offices, shall be made for a longer period than one year, nor shall any contract be made to pay for gas, electric lights, or any other illuminating material, at a higher rate than is charged to any other consumer; and every person or corporation furnishing the city with any kind of light from gas, electric or any other illuminating power or substance for lighting the streets, or public offices, or buildings, shall be required to furnish the city with the full power and quality of illumination which they are by their contract obliged to furnish. The Auditor shall audit no bill for lighting the streets, offices, or public buildings, unless said bill is accompanied by the affidavit of the owner (if it be a private enterprise), or the president of the company (if it be a corporation), setting forth that all the provisions of the contract or agreement have been fully and unequivocally complied with, and it shall be the duty of the Mayor to have the power or strength of said illuminating substance tested as often as in his judgment the interests of the city shall require it; and if it be shown that the gas lamps, or electric lights, or any other illuminating substances, have not been furnishing to the city the candle-power stipulated in said contract, the Board of City Trustees shall declare the contract forfeited, and shall impose such other penalty as in their judgment may seem proper.

9. The Trustees may, on the written recommendation of the Commissioners of Public Works, change the grade of any street or street crossing in the manner and to the grade set out in such recommendation; but no grade shall be changed unless proceedings are taken by way of providing compensation to those who may suffer damages by such change of grade, and all such proceedings shall be taken in conformity with the provision of the general law of the State or this charter provided for the making of such improvements; *provided*, that the grade heretofore adopted by the Board of Trustees shall be and is hereby established as the grade of the streets and alleys of said city.

10. To require any lands or buildings to be cleaned at the expense of the owner or occupant, and upon his default may do the work and assess the expense upon the land or building.

11. To regulate the Police Department.

12. To establish and regulate a Fire Department.

13. To regulate the keeping and use of animals; and the keeping and use of gun-powder and other dangerous substances.

14. To suppress gaming, gambling houses, and other disorderly houses, nuisances of every description, and all kinds of vice and immorality.

15. To prohibit the burial of the dead in the city, except at such places and in such manner as the board may determine, and to authorize the disinterment and the removal of any remains temporarily interred within the city limits; *provided*, the same shall be decently reinterred.

16. To prevent or restrain any riot or disorderly assemblages in any street, alley, or place in the city.

17. To remove from the immediate vicinity of the inhabited parts of the city all slaughter-houses hog-pens, hay-stacks, brick-kilns, cattle-yards, and dairies.

18. To construct, repair, manage, and maintain ditches, reservoirs, aqueducts, and all works necessary in the distribution of water; may levy and collect water rates and taxes on real and personal property.

19. The Trustees shall fix by ordinance on the first Monday of September of each year the rate of taxation upon all real and personal property.

20. To condemn and prevent the occupancy of unsafe buildings, or structures.
21. To regulate and license the use of hackney carriages and public passenger vehicles and to fix the rates to be charged for the transportation of persons and personal baggage.
22. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody and disposition of the same.
23. To purchase or acquire by condemnation such property as may be needed for public use.
24. Except as otherwise provided in this charter to acquire, regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic and telegraphic service to the city, and to acquire, regulate and control any and all appliances for the sprinkling and cleaning of streets within the city, and for flushing the sewers.
25. The Trustees shall fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by the city of any person, company, or corporation in the city for tolls, wharfage, ferrage, or the use of water, heat, light, or power, supplied to the city, or to the inhabitants thereof, and to prescribe the quality of the service.
26. To impose license taxes and to provide for the collection thereof.
27. To prescribe and appropriate fines, forfeitures and penalties for the breach of any ordinance; but no penalty shall exceed the amount of five hundred dollars or sixty days' imprisonment, or both such fine and imprisonment.
28. To fix the fees and charges for all official services not otherwise provided for in this charter.
29. To allow not to exceed two hundred and fifty dollars in any year for the celebration of the anniversary of our national independence.
30. To appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals, and to authorize the payment of the same, or some part thereof, to any society that shall efficiently aid in such convictions.
31. To provide a seal for the city, and seals for the several departments, boards and officers thereof.
32. To fix the hours of labor or service required of all laborers in the service of the city, and to fix their compensation; *provided*, that eight hours shall be the maximum hours of labor in any calendar day, and that the minimum wages of laborers shall be two dollars a day.
33. To construct, or permit the construction of, tunnels, under such rules and regulations as the board may prescribe.
34. To construct, maintain, regulate, and repair bridges, wharves, docks, piers, chutes, slips, ferries, and public places, and provide for their construction, maintenance, regulation and repair.
35. To fix, regulate and collect tolls, wharfage and dockage.
36. To regulate the running, moving, and anchorage of steamboats, vessels, rafts, and other craft, other than those belonging to the Federal Government, within the waters of the city, and to prevent obstruction to the free navigation of such waters.
37. To regulate street railroads, tracks and cars; to compel the owners of two or more such roads using the same street for any distance to use the same tracks and to equitably divide the cost of construction and expense of maintenance thereof between the owners; to fix, establish and reduce the fares and charges for transporting passengers and goods thereon; to regulate rates of speed, and to pass ordinances to protect the public from danger and inconvenience in the operation of such road.
38. To allow any railroad to enter the city with its roads and run its cars to the water front at the most suitable point for public convenience. Every ordinance granting such right shall be upon the condition that said company shall pave and keep in repair the street within their tracks and two feet on each side thereof, in such a manner and with such material as may from time to time be prescribed by the Trustees, and that such company shall allow any other company to use in common with it the same track or tracks, each paying an equal portion for the construction and repair of the tracks and appurtenances used by such railway jointly.
39. The Trustees shall have no power to grant franchises or privileges for the construction and maintenance of bridges, wharves, docks or piers, or for the operation of ferries, or for the erection of poles or wires for transmitting electric power or for lighting purposes along or upon any public street or highway of the city, except upon all the conditions and in the manner prescribed by the general law of the State. The board shall at all times have the right to regulate the charges of any person, company, or corporation using, enjoying, or possessing such franchise or privilege; and must expressly provide that the franchise shall not be renewed or regranted; and that the whole of the stationary fixtures and improvements upon the public streets and highways of the city shall, upon the expiration or abandonment of the franchise, become the property of the city. No franchise shall be granted for the construction and maintenance of any wharf, or for the operation of any ferry for a period exceeding twenty years.
40. When, on the expiration of any franchise, it shall be deemed inexpedient by the Board to use any of the property reverting to it by reason of such expiration in the operation of such franchise, then the Board shall have the power to lease such property

to any person, company, or corporation after the notice, on the terms, and in the manner above provided, as to the granting of franchises, as far as the same may be applicable. But no ordinance authorizing such lease shall be passed prior to ninety days next preceding the expiration of such franchise; *provided*, that such lease shall not be for a longer term than ten years.

41. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

42. The Board of Trustees may provide in the tax levy for the collection of a sum not greater than five hundred dollars, which sum shall be placed in a separate fund to be known as the "Emergency Street Repair Fund," and no greater amount shall be expended by the city in any one year for, or on the repair of, the unaccepted streets of the city, than is provided for in such fund.

43. To appropriate and authorize the use, either in whole or in part, of any real estate belonging to the city, for the purpose of erecting or maintaining a building or buildings thereon, to be used for the Public Library and Reading-Rooms, and may appropriate the whole or any portion of any public building belonging to the city for such use.

44. To regulate the entrances to and the exits from theaters, lecture-rooms, public halls and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles in the aisles of such buildings.

45. The Board of Trustees shall establish a general fund, and may also, before fixing the rate of the annual city tax, by ordinance establish such special and separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditure, as may be necessary; which special funds shall not be diverted to any other purpose than to that for which they have been specifically created, except of balances in excess, at the end of the fiscal year, and except also for the payment of the interest and principal of the water bonds; *provided*, that when any money shall have been transferred to the water fund it shall be paid back to the same fund from which it was transferred before any money is expended from the water fund for any purpose whatever.

46. The Board shall, during the first year after organization under this charter, and every three years thereafter, cause all ordinances then in force to be classified under proper heads, and shall provide for the publication of the same, together with this charter, in book form, and properly indexed.

47. No member of the Board of Trustees or any other board, nor any officer elected or appointed, or employé of the city, shall be or become directly or indirectly interested in or with the performance of any contract, furnishing of any supplies, work or business, or in the sale of any article, the expense, price, or consideration of which is payable from the city treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. Any member of the Board of Trustees or of any other board, officer or employé of the city, violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city, while he is such member, officer, or employé, unless the same shall devolve upon him by law, shall forfeit his office and be forever disqualified from holding any position in the service of the city, and all contracts, or rights, or franchises granted in violation of this section shall be absolutely void.

48. The Board of Trustees shall appoint from its members a committee consisting of three to be denominated "Finance Committee," and shall fill all vacancies in the committee. The committee shall investigate the transactions and accounts of all officers having the collection, custody, or disbursement of public money or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books, and papers in all public offices; shall have power to administer oaths and affirmations, and to examine witnesses, and compel their attendance before them by subpoena. The committee may at any time visit any of the public offices and make its examinations and investigations therein without hindrance.

The Finance Committee and the Mayor shall at least once a month count the money in the city treasury and report their findings to the Board of Trustees.

The committee must, at least once in every six months, examine the official bonds of all city officers, and investigate the efficiency and solvency of the sureties thereon, and report in writing the fact to the Mayor. Such reports shall specify each bond with the sureties, and the amounts for which each surety is bound, and state whether or not they are sufficient and solvent. Upon such report the Mayor shall take such action as shall be necessary to protect the city, and may require new bonds when necessary, and he may suspend any officer until a sufficient bond is filed and approved.

The Finance Committee shall have the power and it shall be its duty to examine the records and expert the books and accounts of all persons, companies, or corporations that are required to pay a portion of their gross receipts into the treasury; and shall likewise, as an aid to the fixing of rates for the furnishing water and light to the city and to the inhabitants thereof, have like power, and it shall be its duty to examine the records, and examine and expert the books of account of any and all persons, companies, or corporations so furnishing water and light.

In the exercise of its functions the concurrence of two members of the committee shall be deemed sufficient. The committee shall keep a record of its proceedings, with the names of the witnesses examined, and a substantial statement of the evidence taken. If, from the examination made by the committee, it shall appear that a mis-

demeanor in office, or a defalcation has been committed by any officer or employé of the city, the committee shall immediately report to the Mayor, who shall take such proceedings against such officer or employé as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the process and orders of the committee.

49. All claims for damage against the city must be presented to the Board of Trustees and filed with the clerk within six months after the occurrence from which the damages are claimed to have arisen; otherwise, there shall be no recovery on any such claim.

50. To make by-laws and ordinances not repugnant to the Constitution of the United States, of this State, or the provisions of this charter.

51. To do and perform all other acts and things required by law or this charter not herein enumerated.

ARTICLE V.

FRANCHISES.

SEC. 29. No exclusive franchise or privilege shall be granted by the Trustees; and every grant of a franchise shall be subject to the right of the Board of Trustees at any time thereafter to repeal, change, or modify the said grant, and every ordinance making such grant shall contain a reservation of the right of the Board of Trustees to repeal, amend, or modify such ordinance.

SEC. 30. When an application is made for a franchise or privilege, by any person, company, or corporation, to the Board of City Trustees, said application must be accompanied by a sum sufficient to defray the preliminary expenses thereof.

Upon the receipt of such application the board shall consider the necessity of such franchise, or privilege; if it decides that such franchise or grant is a public necessity, or that it may be a public benefit, they shall, by resolution, advertise the fact that an application for such franchise or privilege has been made to the Board of Trustees, together with a statement that it is proposed to grant the same, must first be advertised in one newspaper of said city. Such advertisement must state that bids will be received for such franchise and that it will be awarded to the highest bidder, and such advertisement must be published in such daily newspaper once a day for ten successive days (Sundays and legal holidays not included), and thirty full days must elapse after the date of such advertisement before the board shall take any further action on the matter.

The advertisement must state the character of the franchise or privilege proposed to be granted, the term of its continuance, that sealed bids or tenders will be received up to a certain hour on a day named therein, and the further statement that no bids will be received of a single sum or amount stated; but that all bids must be for the payment, in lawful money of the United States, of a stated per cent of the gross annual receipts of the person, partnership, or corporation, or other authority to whom the franchise is awarded, arising from its use, operation or possession.

Every proposal submitted shall contain a check payable to the Mayor of the City, certified by a responsible bank, equal in amount to that named by the Board of Trustees in the advertisement calling for said bids.

The Board of Trustees must grant the franchise to the highest bidder; *provided*, that nothing in this section shall prevent the Board of Trustees from rejecting any or all bids whenever they may think that it would be for the best interests of the city to do so.

On the opening of said bids the board shall order all checks returned to the proper parties, except the check of the highest bidder, which shall be retained until the bond is filed with the clerk of the Board of Trustees with two good and sufficient sureties, to be approved by the Board of Trustees, in the penal amount as prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill, and perform each and all of the terms, conditions, and obligations of such franchise; such bond must be filed with the clerk of the board within twenty days after the award of said franchise. Should said highest bidder fail to file the required bond in the stipulated time the board must order the check forfeited to the city; when the bond is furnished within the required time, the check shall be returned to the party furnishing the same.

SEC. 31. No franchise can be surrendered without the consent of the Board of Trustees; *provided*, that on the application of the Mayor or a majority of the Board of Trustees it shall be the duty of the Attorney-General to sue for a forfeiture of any franchise granted when it is alleged by them in such suit non-compliance with the terms of such franchise or privilege.

Any member of the Board of Trustees who by his vote violates, or attempts to violate the provisions of this article, or any of them, shall be guilty of a misdemeanor and of malfeasance in office, and be deprived of his office by the decree of a court of competent jurisdiction, after a trial and conviction.

SEC. 32. No person, company, or corporation shall ever collect tolls or charges on any wharf, pier, or slip, extending out of the City of Vallejo, except they have first received from the city, in the manner set forth and prescribed in this article, a franchise or privilege granting them the right to collect tolls and charges on such wharf, pier, or slip.

SEC. 33. All franchises or privileges granted or awarded from which a per centum of the gross annual earnings of the person, company, or corporation is required to be paid to the city, shall contain a provision that said person, company, or corporation, shall keep a correct account of all earnings of such person, company, or corporation, arising from the use, operation or possession, of the same, in a set of books kept for that pur-

pose, and said books shall be at all times open and subject to the inspection of any agent of the city appointed or empowered by said city to make an inspection of said books and accounts.

SEC. 34. All franchises or privileges now existing, or that may hereafter be awarded, shall be declared forfeited whenever it is shown that they have not been in use for a period of six months, except the person, company, or corporation to whom the same has been awarded shall obtain from the Board of Trustees an extension of the time ; *provided*, that no more than one extension shall be in any case granted ; and said extension shall not be for a longer period than six months.

SEC. 35. Any ordinance granting a franchise, or authorizing a lease under the provisions of subdivision forty of section twenty-eight of this charter, shall be in force from and after the expiration of thirty days from the date of its passage by the Trustees, unless within said thirty days a petition signed by a number of the electors of the city equal to fifteen per centum of the votes cast at the last preceding election shall have been filed with the Trustees, asking that said ordinance be submitted to the vote of the people. In such cases said ordinance shall be submitted at the next election to the vote of the electors of the city, and unless said ordinance shall at said election receive in its favor a majority of all the votes cast thereon, it shall have no force or effect for any purpose. If a majority of the votes be in favor of such ordinance, the Board of Election Commissioners shall, on the conclusion of the canvass of the vote thereon, proclaim such fact, and upon such proclamation said ordinance shall have full force and effect as of the date aforesaid. Said petition and submission shall be made in accordance with the provisions of section twenty-six of this charter.

ARTICLE VI.

POWERS AND DUTIES OF OFFICERS.

Mayor.

SEC. 35. The chief executive officer of the City of Vallejo shall be designated the Mayor. He shall be at least thirty years old, a citizen of the State, and a resident and qualified elector of the city for five years next preceding the day of his election. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property. The books, records, and official papers of all departments, boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers, and persons are kept in legal and proper form. Any defalcation, or willful neglect of duty, or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the Board of Trustees, in order that the public interests may be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Board of Trustees information, in writing, relative to the state of the city, and shall recommend such measures as he may deem beneficial. He shall have the books and records of all public departments pertaining to the finances of the city experted by a competent person at least once in every year. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted.

SEC. 36. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults.

SEC. 37. The Mayor, with the consent of the Board of Trustees, shall appoint all officers and fill all vacancies not otherwise provided for in this charter, and such appointees shall serve for the unexpired term ; and they shall possess the qualifications prescribed by this charter for eligibility in their respective offices.

SEC. 38. He shall see that all contracts and agreements with the city are faithfully kept and fully performed, and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons and corporations failing to fulfill their agreements and contracts, either in whole or in part. He shall have the general supervision of all city officers elected or appointed. He shall have power to suspend any city officer, except a member of the Board of Trustees, for a dereliction, neglect, or non-performance of duty, and shall immediately, in writing, report the same to the Board of Trustees ; after a hearing, if the Board of Trustees approve the suspensions, they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Board of Trustees. It shall be the duty of every officer and person in the employ of the city, when it comes to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any office, has been, or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter, and a willful failure to do so shall be cause for removal of such officer or employé, as in the case of malfeasance in office.

SEC. 39. The Mayor may, in writing, call special meetings of the Board of Trustees ; the call shall state the object of the meeting, and no business other than that stated therein shall be transacted.

Treasurer and Tax Collector.

SEC. 40. The Treasurer shall have been a citizen of the State and a resident and qualified elector of the city for at least five years next before his election; it shall be his duty to receive and keep all moneys that shall come to the city, by taxation or otherwise, and to pay the same out, on demands legally audited, in the manner provided for in this charter, and without such auditing he shall disburse no public money whatever, except the principal and interest on the public debt, when payable; he shall keep an accurate account of all his receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; he shall make a monthly statement to the Board of Trustees of all his receipts and expenditures of the preceding month, and shall do all things required of him by this charter, or ordinance of said city.

As soon as suitable vaults and safes are provided, the Treasurer shall keep therein all moneys belonging to the city, and all public documents; he shall not thereafter, under any circumstances, deposit with or loan to any person, corporation, or bank, any of the money of the city, or allow the same, except in payment of demands against the city, to pass out of his custody.

SEC. 41. The Tax Collector and License Collector, as provided in this charter, is also the City Treasurer. It shall be his duty to receive and collect all city taxes, general and special; he shall also collect all city licenses harbor dues, and cemetery receipts, and such other branches of the city revenue, not otherwise herein provided for, as the board may direct; he shall keep proper books, showing all moneys collected by him as Tax Collector, and also a book which shall contain a record of every deed given by, or on behalf of, the city for real estate sold for delinquent taxes or assessment, which book shall be properly indexed and shall be at all suitable times subject to public inspection; and do and perform such other duties as may be required of him by this charter or ordinance of the city. He shall pay all moneys collected by him as Tax Collector into the city treasury daily. The time and manner of collecting all city licenses shall be provided for by the Board of City Trustees.

City Attorney.

SEC. 42. There shall be an attorney and counselor of the City of Vallejo, who shall be styled City Attorney, who shall hold office for two years and until his successor is elected and qualified. He shall have been an elector of the city at least two years preceding his election and duly admitted to practice by the Supreme Court of the State of California; and shall have actually been engaged in the practice of his profession for a period of at least five years next before his election.

SEC. 43. It shall be his duty to prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this charter and city ordinances, and to attend to all suits, matters, and things in which the city may be legally interested; *provided*, the City Trustees shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein. He shall be in attendance at every regular meeting of the Board of City Trustees, and shall give his advice or opinion in writing whenever required by the City Trustees, Board of Education, or other city officers. He shall be the legal adviser of all city officers; he shall approve the form of all bonds given to and all contracts made with the city; he shall, when required by the Board of Trustees or any member thereof, draft any and all proposed ordinances for the city and amendments thereto; and shall do and perform all such things touching his office as the City Trustees may require of him, and shall at the expiration of his term surrender all books, papers, and documents pertaining to the city's business, over to his successor.

City Engineer.

SEC. 44. The City Engineer shall be appointed by the Mayor and his appointment confirmed by the Trustees; he shall have been a citizen of the State and a resident and qualified elector of the city at least two years next before his appointment, and shall hold office for two years and until his successor is appointed and qualified.

SEC. 45. He shall in addition to other duties imposed upon him by this charter or by ordinance of the City Trustees, make all surveys, inspections, and estimates required by the Commissioners of Public Works; he shall, when requested to do so by the Commissioners of Public Works, examine all public work done under contract, and report thereon in writing to the Board; he shall, on application of any person owning or interested in real property in said city for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work made or done by him or under his direction or control during his term of office for the city, shall be the property of the city, and shall be turned over to the Commissioners of Public Works.

City Clerk.

SEC. 46. The City Clerk shall have been a citizen of the State and a resident and qualified elector of the city for at least two years next before his election, and shall hold office for two years and until his successor is elected and qualified.

SEC. 47. The City Clerk shall have the custody and shall be responsible for the corporate seal and all books, papers, records and archives belonging to the city not in actual use by other officers or otherwise by special provision committed to their custody. He shall be present at each meeting of the Board of Trustees during its session, and keep a journal of all proceedings. He shall keep separate books, in which respectively

he shall record all ordinances and contracts and official bonds; he shall keep all his books properly indexed and open to public inspection when not in actual use; he shall make out, sign, and deliver to the City License Collector all licenses other than building permits. He shall file all claims and demands against the city (*provided*, each claim shall be verified), except bonds, coupons for interest, claims payable from the School Fund or from funds not controlled by the City Trustees; each claim so filed shall specify in detail the goods purchased, the services rendered, or other basis of claim, and by what authority the goods were furnished, or the services performed, giving date and amount of claim. After allowance by the City Trustees and after the adjournment of each meeting the City Clerk shall immediately prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payees named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said list shall be countersigned by the Mayor, and thereafter said Clerk shall deliver to and leave with the Auditor one of said lists, and shall deliver to and leave with the Treasurer the other list.

SEC. 48. He shall preserve and file all accounts acted upon by the Board of City Trustees. He shall authenticate with his signature and seal of the board all proceedings whenever such proceedings be ordered published. He shall authenticate with his signature and seal all ordinances or laws passed by the board. He shall record the vote of each member on any question upon which there is a division, or at the request of any member present, and perform such other duties as are or shall be imposed by this charter, or by ordinance. He shall make no charge for taking affidavits or administering oaths in matters relating to the business of the city.

City Auditor and Assessor.

SEC. 49. There shall be a City Auditor, who shall be ex officio City Assessor, and who shall be elected by the qualified voters of the entire city, at each general municipal election. He shall have been a resident of the State and a resident and qualified elector of the city for at least five years next before his election; as Assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation; as Auditor he shall number and keep a record of all demands approved by him, showing the date of approval, amount, and name of original holder, the number, on what account and out of what fund payable. It shall be his duty to be continually acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the written order of the City Treasurer directing him to issue a receipt for money paid into the city treasury, charge the City Treasurer with the amount received by him, and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public moneys at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses and receipts for water rates. He shall, on the first Monday of each month, or oftener, if required, report in writing to the Mayor, and likewise to the Board of Trustees, the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth, in a plain and business-like manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenues were derived, and how expended. He shall draw and sign all warrants upon the treasury, except as otherwise in this charter provided.

SEC. 50. Every demand must, before it can be paid, be verified by the oath of the claimant, or some one in his behalf, and be presented to the Auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and if so, out of what fund, and that there is sufficient money in such fund with which to pay the same; after such examination he shall approve or reject the claim, in whole or in part, and endorse on such demand his approval or rejection over his signature, together with the date thereof; if it is approved, the fund out of which it is to be paid is to be designated. If it is rejected, or any part of it, unless the party presenting it is willing to take in full of the entire demand the sum offered, the Auditor shall return it to the board or other body which originally authorized it, together with his reasons for rejecting it; then, if it is allowed by a majority vote of all the members of the board or other body authorizing it, and approved by the Mayor, it shall be audited in the same manner as if it had not been rejected; *provided*, the same board or other body had the authority to make the expenditure out of which the claim arose. No demand upon the treasury shall be considered, presented for action, or acted upon, allowed, or approved, unless it specifies on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the Auditor in the order of its presentation to him; and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn, in the same order as allowed. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or other person, or any of his assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody, or control of public funds, unless the accounts of such officer or other

person have been presented, passed, approved, and allowed as it is, or may be, required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance or other regulation of the Board of Trustees; nor in favor of any officer or his assigns who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law, or ordinance or other regulation of the Board of Trustees.

The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business without charge, and shall perform such other duties as are imposed upon him by law or this charter.

SEC. 51. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, and the amount of monthly salary or wages received by each, opposite his name, which list shall be revised and corrected by him monthly, and be at all times open to the public inspection.

SEC. 52. It shall be the duty of the Assessor to prepare, on or before the first Monday in May of each year, or at such other time as may be directed by ordinance, and to present to the Board of Trustees, with his certificate of its correctness, a list of all the real and personal property within the city, taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as nearly as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; to be present at the sessions of all Boards of Equalization mentioned in this charter, to furnish to said boards such information as may be required, and to perform such other acts or services in reference to the assessment of property in the city, or otherwise appertaining to his office, as the board shall require or direct. During the session of the Board of Equalization, the Assessor shall enter upon the assessment list all the changes and corrections made by the board, and may assess and add to said list any property in the city not previously assessed.

He shall make, or procure to be made, all necessary abstracts to be used in making up the assessment of property within the city, and after the taxes have been duly levied by the Board of Trustees, he shall make the proper calculations, and extend upon the assessment book the amount of taxes due from each person, firm, or corporation, and deliver said book to said board so completed, on or before the second Monday in May of each year, or such other time as may be directed by ordinance; and at the expiration of his term of office he shall deliver to his successor in office all maps, plats, descriptions of property, and all other things appertaining to his said office.

In the assessment and listing of property, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have, and may exercise, the same powers as are conferred by law upon the County Assessors.

ARTICLE VII.

BONDS AND SALARIES.

Bonds.

SEC. 53. Officers of the city, before entering upon the discharge of their official duties, and within twenty days after notice of their election or appointment, shall execute to said city such official bonds as may be required by ordinance or this charter; when the amount of any bond is not fixed by ordinance, or this charter, and when power to fix the same is not herein conferred, it shall be fixed by ordinance; all bonds shall be approved by the Mayor and filed with the City Clerk, and shall be recorded by the City Clerk in a book entitled "Official Bonds," and kept for that purpose, except the bond of the Clerk, which shall be filed with the Mayor, after being so recorded. The approval of every official bond must be endorsed thereon and signed by the officer approving the same after the examination of the securities as hereinafter provided.

SEC. 54. The following officers shall respectively execute to the City of Vallejo official bonds, with sureties in the following sums, viz.:

Mayor	\$5,000 00
Treasurer and Tax Collector	25,000 00
City Clerk	5,000 00
City Attorney	5,000 00
Auditor and Assessor	5,000 00
Superintendent of Water System and Streets	5,000 00

SEC. 55. City officers shall not be accepted as sureties for each other on official bonds. Every bond shall be made payable to the City of Vallejo and contain a condition that the principal will faithfully perform all official duties that are or that may thereafter be imposed upon or required of him, and that at the expiration of his term of office he will surrender to his successor all property, books, papers, and documents that may come into his possession as such officer. Said bond must be executed by two or more sureties, but when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions of not less than twenty-five hundred dollars; when there are more than two sureties, said sureties may justify in an amount which, in the aggregate, shall equal double the amount of said bond. The Mayor and Board of Trustees may require the Treasurer to give a surety company bond, in which case the expense of such bond shall be borne by the city.

SEC. 56. Every surety upon an official bond must justify in the manner prescribed by the Political Code of this State for official bonds.

SEC. 57. When an official bond is required of an officer, the Mayor and Board of Trustees may require an additional bond if, in their opinion, the original bond, or any surety thereto, becomes insufficient. If such additional bond be not given forthwith the Mayor and Board of Trustees must declare the office vacant, and thereupon it shall become vacant.

Salaries.

SEC. 58. The officers herein named shall receive the following annual salaries :

Mayor	\$600 00
Treasurer and Tax Collector	750 00
City Clerk	1,200 00
City Attorney	600 00
Auditor and Assessor	750 00
Health Officer	300 00
Superintendent of Water System and Streets	1,200 00
Chief of Police	1,000 00
Policemen (each)	840 00
Chief of Fire Department	200 00
Deputy Superintendent of the Water Department	600 00
City Engineer, to receive fees, to be fixed by the Trustees.	

Salaries of all officers shall be paid monthly. After having served two years the Chief of Police (as long as he continues such) shall receive an increase in salary over the above amount, of two hundred dollars per annum; and the patrolmen after serving a similar number of years shall receive an increase of sixty dollars per annum.

The salaries set forth in this charter shall be in full for all services rendered. It shall be unlawful for the Board of Trustees, or any other board, to raise the salary of any officer, after his election, or the date of his appointment.

The words "election or appointment," as used in this section, shall mean, from the time that the Clerk made out his certificate of election or appointment; and the words "salary," as used in this section, includes all allowances of whatever nature.

ARTICLE VIII.

JUDICIARY.

SEC. 59. The Justices of the Peace of Vallejo Township, residing within the corporate limits of the City of Vallejo, are hereby authorized and required to take cognizance of all cases arising under the ordinances of said city, for violation thereof. All fines imposed by them and collected for violation of city ordinances shall be paid into the city treasury for the use and benefit of the city. They shall receive such compensation therefor as may be allowed by the City Trustees, not to exceed the amount allowed them by law in criminal cases arising under the Penal Code, which compensation shall be paid out of the city treasury.

ARTICLE IX.

ELECTIONS.

SEC. 60. Elections to be held in the city shall be of two kinds: general and special.

SEC. 61. General municipal elections shall be held biennially on the first Monday in March; the first general election under this charter shall be held on the first Monday in March, nineteen hundred, and all officers elected at said election shall take office on the first Monday in April of said year.

SEC. 62. The provisions of all general laws governing elections for State and county officers, not inconsistent with the provisions of this charter, then existing or afterwards enacted by the State Legislature, are hereby adopted as the law governing city elections, and the City Trustees and City Clerk respectively shall exercise the powers and perform the duties conferred or imposed on County Boards of Supervisors and County Clerks concerning elections. The Mayor, Trustees, and City Clerk shall constitute the Boards of Election Commissioners for the city.

SEC. 63. The Mayor and Board of City Trustees shall prepare and submit to the qualified electors of the city for adoption, at the first general or special election held under this charter, a proposition by ordinance governing and regulating primary elections; and until such ordinance is adopted by a majority of the qualified voters voting at such election, all candidates for offices to be filled at a city election can be nominated for such office in the manner provided for by the general law of the State.

SEC. 64. It shall be the duty of the City Clerk, whenever the great register of the county is about to be printed, to notify the Board of Supervisors of Solano County to provide for the printing of a sufficient number of registers (in addition to the number otherwise provided by law to be printed) for the general and special elections to be held or likely to be held in the City of Vallejo, and it shall be the duty of the County Clerk of said county to furnish such registers in sufficient numbers when so required by the city.

SEC. 65. At the first municipal election held under the provisions of this charter the following officers shall be elected, and biennially thereafter: A Mayor; City Clerk, who shall also be clerk of the Water Department, and secretary to the Commissioners of Public Works; Auditor, who shall be ex officio Assessor; Treasurer, who shall be ex officio Tax Collector, and License Tax Collector; two Commissioners of Public Works;

also five City Trustees, five School Directors, and five Library Trustees, who shall hold office for four years; *provided* that the members of the above boards, at the first meeting of their respective boards, held under the provisions of this charter, shall draw lots for a long and short term; three members of each board shall retire at the end of two years, their successors shall be elected to hold office for four years; and two shall retire at the end of four years, and their successors shall be elected every four years thereafter. All officers herein named shall be elected at large; *provided*, that the members of the Board of City Trustees shall be nominated from wards, two from the First Ward, two from the Second Ward, and one from the Third Ward; and the official ballots shall be prepared so that they shall show the ward that each candidate is nominated for. All candidates for City Trustees shall be voted for by the electors of the entire city without respect to wards, and the nominees from each ward having the highest number of votes shall be declared the Trustees from that ward.

The Board of City Trustees and the Board of Education shall be the judges of the election and qualification of their own members.

SEC. 66. The Board of Trustees shall by ordinance declare and provide for the holding of all municipal elections; such ordinance shall specify the object, time, place or places, and the names of the inspectors, judges of election, and clerks for each precinct, all of whom shall be residents of the precincts within which they are appointed to serve, for at least one year prior to said election, to conduct the holding of and to make returns of such election. Said ordinance shall be published in a daily newspaper published in said city, for at least ten days prior to the time designated for holding the election.

The boundaries for the precincts shall remain as fixed for the election of State and county officers at the last general election preceding the city election, unless changed by ordinance. Each inspector, judge, and clerk of election shall receive such compensation for his services as the Board of City Trustees may direct, not to exceed four dollars.

SEC. 67. The City Trustees shall act in conjunction with the Board of School Directors, and arrange for and make provisions for one set of election officers to conduct both city and school elections at the same time and place. The School Directors shall provide a special polling place for those school electors outside the city limits.

SEC. 68. The election returns from each precinct shall be filed with the City Clerk, who shall immediately place them in the vaults in the City Clerk's office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with the same until canvassed by the City Trustees. They shall be sealed up and kept by the City Clerk, after having been canvassed, for six months, and no person shall have access to them except on order of a legally constituted court.

SEC. 69. Only such persons residing in the City of Vallejo whose names shall legally appear on the printed great register, or supplement thereto, of Solano County at the time of holding any municipal election, shall be entitled to vote at such elections, and to this end and extent said great register is hereby adopted by the city.

SEC. 70. On the second day after a city election, the City Trustees shall canvass the returns and declare the result. After the result of an election is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor and serve the same by depositing it, with postage prepaid, in the United States mail, addressed to the person elected or appointed; and within ten days thereafter (if the office be accepted) such person shall file the certificate, with the oath of office attached, in the office of the City Clerk.

When an official bond is required it shall be approved and filed within twenty days after the certificate of election is issued.

All certificates of election must be authenticated by the hand and seal of the City Clerk; no other authentication shall be necessary.

SEC. 71. Whenever a vacancy occurs by failure of the people to elect, the Mayor shall appoint a suitable person to fill said vacancy, and if the Board of Trustees shall, by a vote of a majority of its members, confirm the appointment, the person so appointed shall fill the office until the next municipal election, if not sooner removed for cause.

When a vacancy occurs by virtue of the death, resignation, removal from office, or inability to serve, the Mayor shall appoint a suitable person to fill the vacancy; *provided*, all such appointees shall possess all the qualifications required by this charter for filling said office; and if said appointment is confirmed by a majority vote of the Board of Trustees, he shall hold the said office until the next municipal election, unless sooner removed for cause.

Should a vacancy occur in the office of Mayor, from any cause, the Board of Trustees shall order an election to be held within sixty days after the vacancy shall have occurred to fill said vacancy, except that such vacancy occurs within six months of the next municipal election, in which case the office shall be filled by the President of the Board of Trustees for the unexpired term.

ARTICLE X.

DEPARTMENT OF PUBLIC WORKS.

Commissioners.

SEC. 72. There shall be a Department of Public Works under the management of three commissioners, who shall constitute the Board of Public Works.

The commissioners shall consist of the Mayor and two additional members; candi-

dates for the position must possess all the qualifications required of candidates for City Trustee, and one of them shall be a practical builder, civil engineer, or architect; they shall be elected by the qualified voters at large, and serve without salary. Their term of office shall be four years; *provided*, that at the first election after the adoption of this charter the two candidates receiving the greatest number of votes shall be declared elected, and they shall determine by lot who is to retire at the expiration of two years.

SEC. 73. Immediately after their election and qualification they shall organize as a board. The Mayor shall be president of the board; the City Clerk shall be secretary to the board. They shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, secretary, and employes, and may require bonds from any of its subordinates for the faithful performance of their duties. Such bonds must be approved by at least two of the commissioners, and be filed with the auditor; their regular meetings shall be held at such time and place as they shall fix by resolution, to be entered on its record. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass an order or resolution.

Secretary.

SEC. 74. The clerk of the board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the board. The secretary shall cause the publication of all notices herein authorized to be published, and shall perform such other duties as the board may from time to time prescribe.

ARTICLE XI.

POWERS AND DUTIES OF COMMISSIONERS OF PUBLIC WORKS.

SEC. 75. It shall, immediately on completing its organization, take possession of, and thereafter keep in its custody, all maps, surveys, field notes, plans, specifications, contracts; all documents, books and papers; all machinery, tools, and appliances, and all property belonging to the city, in possession of or under control of the City Surveyor or Street Superintendent.

SEC. 76. The board may appoint such employes as are herein provided for, or as may be authorized by the Board of City Trustees. The salaries of all officers and employes of the board, except so far as the same are designated by this charter, shall be fixed from time to time by the Board of City Trustees, in its discretion, on recommendation of the commissioners.

SEC. 77. The commissioners shall have charge and superintendence of all public work of every kind, where not otherwise provided for in this charter, to be done for the city or for the Board of Education, or any other department, and also for the furnishing of all material and supplies for such work. It shall be the duty of the commissioners to vigilantly inspect all parts of the city, and to recommend from time to time, to the Board of City Trustees, such work as they may deem necessary and proper.

SEC. 78. The commissioners shall have special charge, superintendence, and control, subject to such ordinances as the Board of City Trustees may from time to time adopt, of the harbor and water front, of the water system, and of all streets, highways, sidewalks, roads, bridges, wharves, parks, and public places belonging to the city, or dedicated to public use, and of the improvements and repair thereof; of all sewers, cesspools, and the work pertaining thereto, or to the drainage of the city; of the cleaning of streets; and of all repairs upon all accepted streets; of the construction and repair of all public buildings, and the making of all improvements for the city or under its authority; and if at any time the city should own its own system for lighting the streets and public places thereof, the commissioners shall have the management of all its plant and whatever may belong to the system. It shall have exclusive authority to prescribe rules and grant permits in conformity with the ordinances of the city for the moving of buildings through the streets thereof; the keeping of sidewalks clear of obstructions, the erection of lamp posts, electric lights, telegraph and telephone poles on the streets and alleys of the city; the putting up of signs and awnings; the location of steam boilers; the determining of the location of all gas, water, and sewer pipes laid in the streets or alleys, and to prescribe such rules as shall prevent damage to the streets by reason of the laying of said pipes and sewers. The commissioners shall have full power to regulate and control, subject to the ordinances of the city, the anchorage of vessels in the harbor of Vallejo; the manner of using the streets, sidewalks, wharves, harbors, parks, and public places, and to prevent and remove obstructions therefrom, and cause the prompt repair of streets, sidewalks, and public places when the same may be taken up or altered.

The commissioners are authorized to collect, by suit or otherwise, in the name of the city, the expense of such repairs from person or persons by whom said sidewalk or street was injured or torn up.

The commissioners shall regulate, subject to the requirements of the Board of Health, and the ordinances of the city, the construction of sinks, gutters, wells, cesspools, and privy vaults, and compel the cleaning or emptying of the same, and regulate the time and manner in which the same shall be done.

SEC. 79. All applications for establishing or changing the grade of any street or streets, the improvement of public grounds or buildings, the laying out, establishing,

opening, closing, straightening, widening, or improvement of any street, road, or highway, or the laying out and opening of any new street through public or private property, and for all public improvements which involve the necessity of taking private property for public use, or when any part of the cost or expense thereof is to be assessed upon any private property, shall be made to said board, and such work or improvement shall not be ordered or authorized until after said commissioners shall have reported to the Board of City Trustees upon said application.

Contracts.

SEC. 80. All public work authorized by the City Trustees to be done under the supervision of this board, and all work for which the Board of Education shall make requisition upon the Commissioners of Public Works, and all contracts for materials and supplies in an amount exceeding two hundred dollars required by the Board of City Trustees, or any of the departments of the city, but not otherwise provided for in this charter, shall be done under written contract, except in cases of urgent necessity, as hereinafter provided. Before awarding any contract authorized by the preceding section, the commissioners shall cause notice inviting sealed proposals therefor, to be posted conspicuously in its office and published for not less than five days in one newspaper; *provided*, that when the estimated cost exceeds two thousand dollars, notice shall be posted and published for not less than ten days; except that when the estimated cost of any improvement or repair work does not exceed two hundred dollars, and shall be deemed an urgent necessity by the Board of Commissioners, such repair or improvement may be made by the commissioners under written contract or otherwise, without advertising for sealed proposals; but no piece of repair work or improvement shall under any circumstances be subdivided for the purpose of bringing the estimated cost within the limit herein provided.

SEC. 81. Said advertisement and notice shall invite sealed proposals, to be delivered to the commissioners in open session, at a certain day and hour, for furnishing the supplies and materials, and if for work to be done, the materials for the proposed work, or for doing the said work, or for both, as may be deemed best by the commissioners, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the commissioners for full detail and description of said work and material.

SEC. 82. All proposals shall be made upon printed forms, to be prepared by the commissioners and furnished gratuitously upon application, with a form of affidavit hereinafter provided for, printed thereon; each bid shall have thereon the affidavit of the bidder that his is genuine, and not sham or collusive, or made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, or corporation, or firm, to refrain from bidding, and that the bidder has not, in any manner, sought by collusion to secure to himself an advantage over other bidders.

Any bid made without such affidavit, or in violation thereof, shall be absolutely void, and also any contract let thereunder.

If at any time discovery shall be made that a contract has been let to a bidder who has violated or evaded this oath, the contract shall be canceled and no recovery shall be had thereon, and the commissioners shall at once proceed as before to award a new contract.

All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the City Clerk, for an amount not less than ten per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check.

If, on the opening of said bids, more than one bid appear in which the same person, corporation, or firm is interested, all such bids shall be rejected.

SEC. 83. On the day at the hour specified in said notice inviting sealed proposals the commissioners shall assemble and remain in session at least one hour thereafter, and all bids shall be delivered to the commissioners by the bidder or his agent while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the commissioners shall be considered. Each bid, as it shall be received, shall be numbered and marked "filed" by the president, and authenticated by his signature. At the expiration of the hour stated in the advertisement, within which the bids will be received, the commissioners shall, in open session, open, examine, and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the commissioners by the secretary.

Before the commissioners adjourn they shall compare the bids with the record made by the secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the commissioners may adjourn to, award the contract to the lowest responsible bidder, except as otherwise herein provided.

Notice of such award shall forthwith be posted for five days by the secretary of the commissioners in some conspicuous place in the office of the commissioners.

The commissioners may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and any bids other than the lowest responsible bid; and on accepting said lowest bid shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected the commissioners shall return all checks to the proper parties,

and again invite sealed proposals, as in the first instance. The check accompanying the accepted bid shall be held by the secretary of the commissioners until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said lowest bidder.

If said bidder refuses or fails to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the general fund. Neither the Commissioners of Public Works, nor the Board of Trustees, nor the Board of Education shall have power to relieve from or remit such forfeiture.

Sec. 84. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon, and the commissioners shall advertise for proposals for a new contract.

Sec. 85. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the supplies and material to be used. No change or modification in the plans or specifications shall be made after the proposals for doing the work have been called for.

Every contract entered into by the commissioners shall be signed by at least two of their members, and by the other contracting party, and attested by the City Clerk.

All contracts shall be signed in triplicate, and one of which with the specifications and drawings, if any, of the work to be done and the materials to be furnished, shall be filed with the Board of Education, when the work is done upon requisition of that board, and in other cases with the City Clerk; and one thereof, with said specifications and drawings, shall be kept in the office of the commissioners, and the other, with specifications and drawings, shall be delivered to the contractor.

At the same time with the execution of said contract said contractor shall execute to the city and deliver to the secretary of the commissioners, a joint and several bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the commissioners, or shall deposit with the secretary a certified check upon some solvent bank for said amount, for the faithful performance of said contract.

No surety on any bond shall be taken unless he be a resident and householder, or freeholder within the State, and worth the sum specified in the bond over and above all just debts and liabilities exclusive of property exempt from execution; and each surety shall justify and make and sign an affidavit to that effect, of which affidavit a form shall be printed on the bond. But when the amount specified in the bond exceeds three thousand dollars, and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than that expressed in the bond, if the whole amount be equal to two sufficient sureties.

The contract for work shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the commissioners the Board of City Trustees may extend said time, but in no event shall the time for the performance of said contract be extended by the Board of Trustees more than sixty days beyond the time originally fixed for its completion.

In case of failure on the part of the contractor to complete his contract, within the time fixed in the contract, or within such extension of said time, as is herein provided, his contract shall be void, and the Board of City Trustees shall not pay or allow him any compensation for any work done by him under said contract. But the Commissioners of Public Works shall proceed to complete the work as provided in said contract, at the expense of said contractor and his sureties; *provided*, that the Board of Trustees shall order to be paid to the contractor or his sureties whatever balance may remain after the commissioners shall have completed the work as provided for in this section.

Sec. 86. The work in this article provided for must be done under the direction and to the satisfaction of the commissioners, and all materials and supplies furnished must be in accordance with the specifications, and to the satisfaction of said Board of Commissioners, and all contracts provided for in this article must contain a provision to that effect. When said contract shall have been completed to the satisfaction and acceptance of said Commissioners, they shall so declare by resolution, and thereupon said Commissioners shall deliver to the contractor a certificate to that effect.

Sec. 87. The commissioners of said board shall not, nor shall either of them, or any person employed in said department, be interested, directly or indirectly, in any contract for labor, works, supplies, or material, entered into by said board; nor shall either of such commissioners, officers, or employés be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or material for the same.

Sec. 88. Whenever the Commissioners of Public Works shall have perfected all preliminary work for the awarding of a contract for the furnishing of supplies, or the doing of any work, or the making of any improvement, said commissioners shall instruct their secretary to prepare a statement showing the nature and quantity of the supplies required, the work to be done, or the improvements to be made; such report must be accompanied by the proposed contract and a copy of all bids received, for the furnishing of the required supplies, doing the work, or making the improvements contemplated, to the Board of Trustees; said board shall then, or at its next meeting, consider

the matter, and may order the Commissioners of Public Works to accept the bid of the lowest responsible bidder and award to him or them the contract, or it may order said board to reject any and all bids, and to call for new proposals.

SEC. 89. Provided that nothing in this article shall be construed as clothing the Commissioners of Public Works with the power to award contracts, except by order of the Trustees, and said order must be by resolution or ordinance.

Superintendent of Waterworks and Streets—Deputy Water Superintendent.

SEC. 90. The Commissioners of Public Works shall recommend to the Board of City Trustees, a suitable person to be Superintendent of the Water Department, who shall be ex officio Superintendent of Streets; said commissioners shall also recommend a suitable person to be Deputy Superintendent of the Water Department, both of whom shall be appointed for two years.

Superintendent of Streets.

SEC. 91. The Street Superintendent shall have the general care of and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction; inspect and approve, or reject, all material used in such construction, whether done under contract or otherwise; and shall at once report to the Commissioners of Public Works all deviations from contracts, and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance. He shall devote his entire time to the duties of his office.

New Buildings within the Fire Limits.

SEC. 92. The Board of City Trustees shall, by ordinance, provide for the inspections of all public buildings, and no building shall be erected in the city, within the fire limits, until the plans and specifications for said building are submitted to the Commissioners of Public Works, who shall make a careful calculation as to the strength of all the various parts provided for in said plans. The commissioners must give a permit to the owner or contractor, before any building, either public or private, shall be allowed to be erected within the aforesaid limits; said permit must state that the plans and specifications for said building had been submitted to them for approval, and that all proper care had been taken for the protection of life and health, under all conditions.

ARTICLE XII.

CITY WATERWORKS SYSTEM.

SEC. 93. The Commissioners of Public Works shall have full power and authority over the organization, government, and discipline of the Waterworks Department, and shall have control of the waterworks, and all other property pertaining or belonging thereto, and shall see that all employes in the department faithfully discharge their duties, and that the laws, ordinances, rules, and regulations relating thereto are observed. The commissioners shall make such rules and regulations as may be necessary to secure efficiency in the Waterworks Department; they shall only appoint such employes as may be necessary to carry on the work of the department in an efficient manner.

The Commissioners of Public Works, in making appointments of employes of the Waterworks Department, shall be guided solely by the fitness of the applicant; *provided*, that all employes shall be citizens of the United States; and no person shall be appointed to or removed from any position in said department on account of partisanship or political opinions.

Duties of the Superintendent.

SEC. 94. The permanent employes of the waterworks Department shall be a Superintendent and Assistant Superintendent.

The Superintendent shall reside in the City of Vallejo and have, under control of the Commissioners of Public Works, charge of all water mains and pipes, stand pipes, tanks, gates, valves, fire hydrants and taps, and shall supervise the laying, changing, or removal of all water mains, putting in taps, flushing hydrants and sewers, and shall perform such other duties as may, from time to time, be prescribed by the Commissioners of Public Works. He shall keep a correct record of all alterations or additions made to the main pipes, gates, valves, taps, and fire hydrants, and all labor performed under his direction; and account for all material and tools received or used in his department, and make a written report covering the same to the Commissioners of Public Works, on or before the eighth day of each month, together with such other recommendations as to him may seem to be in the interest of the public service. He shall examine all claims against the city for materials or tools used in his department, and said claims shall be first certified to by him before being presented to the Commissioners of Public Works for approval. He shall make up the monthly payroll of his department, certify to same, and present it to the Commissioners of Public Works, who shall verify it.

SEC. 95. The Superintendent shall have all the authority to make arrests that is vested in the police.

Duties of Assistant.

SEC. 96. The Assistant Superintendent shall have charge, under the Superintendent, of all reservoirs, other than Fleming Hill reservoir, and all pipe-lines beyond Fleming Hill reservoir, and have his residence as near as practicable to the Lower Falls in Green Valley. He shall, at least twice each week, make a thorough inspection of all the pipe-lines beyond Fleming Hill reservoir and all other reservoirs excepting that of Fleming Hill, and immediately report to the Superintendent any imperfections he may have discovered, together with any recommendations he may deem proper. The Assistant Superintendent shall be vested with the proper authority to make arrests, and he shall enforce all ordinances or rules for the preservation of the property of the City of Vallejo.

SEC. 97. The Superintendent shall have authority to make repairs to pipe-lines or reservoirs immediately required, provided the cost of such repair does not exceed fifty dollars, and must immediately make a report in full of the work performed, together with his reasons for performing the same, to the Commissioners of Public Works.

SEC. 98. It shall be his duty to diligently and accurately ascertain the respective sums properly collectable for the use of city water from the several water-takers, according to the rates established by ordinance for that purpose, then in force, and report the same to the City Clerk, who shall accept such report as the minimum sums to be collected, and make collections of water rates accordingly, and shall not have power to make reductions from the sums so reported, but may collect a greater sum whenever he shall discover that any sum so fixed is less than is properly collectable. Nor shall any reduction be made in any of the amounts to be collected as reported by the City Superintendent, unless by order of the Board of Trustees. If the sum to be collected from any water-taker has not been reported by the City Superintendent, the City Clerk shall collect in such case the proper amount for water rates, in accordance with the ordinance, the same as if it had been reported by the City Superintendent.

SEC. 99. The Board of Trustees shall cause to be made, provided the same does not exist at the time this charter takes effect, a complete and comprehensive chart or map of the city water-pipe system, showing the location of every main, lateral, and size of such main or lateral pipe, fire hydrant, house tap, air valve, blowoff, and other important features. Said map or chart shall be kept up, and made to show all the extensions, additions, or alterations made from time to time in the system. Said map or chart shall be carefully preserved, and be kept in the office of the Commissioners of Public Works.

SEC. 100. The Board of Trustees shall, upon the recommendation of the Commissioners of Public Works, or of their own volition, order attachment of meters wherever water is used in large quantities, or is thought to be used in a wasteful manner; *provided*, that the cost of meter and attachment be paid by the city; *and it is further provided*, that the Board of Trustees shall annually fix the water rates for consumers, and also the rate per thousand gallons, and they shall provide meters, at the expense of the city, to any consumer demanding the same, and all water rates shall be established on the quantity consumed by each renter, as shown by the register or meter; said rate shall be by the thousand gallons consumed; *provided further*, that the board shall annually establish a graduated scale of rates per thousand gallons; all water rates shall be collected quarterly in advance.

ARTICLE XIII.

SCHOOL DEPARTMENT.

SEC. 101. The School Department shall comprise all the public schools in the school district of the City of Vallejo, and shall include primary, grammar, and high schools, and shall maintain them ten months in each year.

SEC. 102. The government of the School Department is hereby vested in a Board of Education consisting of five members, who shall be designated School Directors, and they shall serve without compensation.

SEC. 103. No person shall be eligible to become a member of the Board of Education who is not at least twenty-five years of age, the head of a family, and who has not been a resident of the city for three years next preceding his election.

SEC. 104. The Board of Education shall enter upon the discharge of its duties on the first Monday in April after their election, and the board shall meet upon said date and organize by electing one of their number president, whose term of office shall be two years. They shall hold regular meetings at least once each month, at such place and time as may be determined by its rules. Special meetings may be called by the president or by any three members. No business shall be transacted at such special meetings that has not been distinctly stated in the call. A majority of members shall constitute a quorum, but an affirmative vote of three members shall be necessary to pass any order. The sessions of the board shall be public, and its minutes open to inspection. The board may determine the rules of its proceedings, and the ayes and noes shall be taken and recorded when demanded, and they shall be taken and recorded on all questions involving elections or appointments or the expenditure of money.

Powers and Duties of School Directors.

SEC. 105. In addition to the powers and duties conferred by the general laws of the State, the Board of Education shall have power:

1. To establish and maintain public schools as provided in this article, and to change, modify, consolidate, or discontinue the same as the public welfare may require; to manage and control the school property.

2. To employ such teachers and persons as may be necessary to carry into effect its powers and duties. To fix, alter, and approve their salaries and compensation, and to withhold, for good and sufficient cause, the whole, or any part of, the wages, salary, or compensation of any person employed as aforesaid; and to promote, transfer, and dismiss teachers. All teachers elected by the first Board of Education after the adoption of this charter, shall be elected for the term of two years, and all subsequent boards shall elect teachers for two years, except in filling vacancies, which shall be for an unexpired term; and no teacher who shall, thereafter, be so appointed, shall be dismissed from the School Department, during such term, except for insubordination, immoral or unprofessional conduct, or evident unfitness for teaching. All promotions of teachers shall be based solely on merit and successful teaching. Nothing in this section shall be construed to prevent the board from removing teachers holding only special certificates, or serving a probationary term. Charges against teachers must be formally made, in writing, and shall be finally passed upon by the board, after giving the accused teacher due hearing.

3. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

4. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction, and what text books, in addition to those published by the State, shall be used in said schools; but any text-book adopted by the board shall not be changed within a period of four years after its adoption.

5. To provide for the School Department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

6. To furnish the schools with proper school furniture, apparatus, and appliances, and to insure any and all school property.

7. To make requisition on the Commissioners of Public Works for the improvement and repairs to the school property whenever necessary.

8. To determine, annually, the amount of school tax necessary for the maintenance of free public schools, and for carrying into effect all provisions of law regarding the same; and the amount so determined by said Board of Education shall be reported, in writing, to the Mayor and City Trustees. This report shall specify the proper items of the amount of money required, in addition to State and county school moneys, to maintain grammar and primary schools, the amount required for the high school, and other city schools, and what will be required to pay all fixed and incidental expenses. The Mayor and City Trustees are hereby authorized and required to levy and collect, as school tax, the amount asked for by the Board of Education, when said amount does not exceed the sum of twenty cents on each one hundred dollars' valuation, as shown by the assessment roll. When the amount asked for exceeds the sum of twenty cents on the one hundred dollars' valuation, the Mayor and City Trustees may, in their discretion, levy and collect a sum not to exceed thirty cents on the one hundred dollars' valuation as shown by the assessment roll, but there shall be levied and collected not less than twenty cents on the hundred dollars' valuation as shown on the assessment roll.

9. To prohibit any child under six years of age from attending the public schools.

10. To admit non-resident children to any of the departments of the school, at their discretion, upon the payment, at such time as the board may direct, of tuition fees, to be fixed by the board; *provided*, that the tuition fee required to be collected shall in no case be less than the cost per capita of maintaining the school to which the pupil is admitted.

11. To dispose of at public or private sale such personal property as shall no longer be required by the department.

12. To exclude from the school and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

13. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the schools when not in use.

14. To use and apply the school funds for the purposes herein named, and for no other purposes whatever; and, generally, to do and perform such other acts as may be required by general law applicable to the city schools and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of public schools in said city.

15. On or before the first day of April in each year the board shall appoint a census marshal, whose salary shall not exceed seventy-five dollars, and he must file his report to the Board of Education in thirty days after his appointment. Any census marshal found incompetent shall be discharged and the vacancy filled. Said census marshal shall perform the duties of his office in accordance with the general school law of the State.

16. It shall be the duty of the board to prescribe a course of study for its high schools, and prescribe the text-books to be used therein.

17. Each member of the board shall visit every school in the city at least once in each term, and examine carefully into its management, condition, and wants.

18. It shall be the duty of the board to keep a correct account of all monthly expenditure, and they shall never expend for any purpose any amount of the revenue provided for the annual maintenance of the schools of the district, which will not leave a surplus

equal to the full amount of the salaries of all teachers employed by the board; and all members of the board are charged with a knowledge of the School Fund; and each and every member of said Board of Education shall be held liable to each and every teacher for the full amount of salary provided for and agreed to be paid to each said teacher, and said teacher may bring suit against each and every member of said board for the full amount of any deficit that may exist in the salary of said teacher in violation of this section; and the court shall give judgment in favor of all such claimants, upon the proper proof being produced that the provision of this section was not fully carried out.

19. When the Board of City Trustees shall have agreed upon the amount of money that may be allowed in any one year for a high school, and the repair and supplies which may be required for the public schools of the city, showing the amounts required separately, they shall notify the Board of Supervisors of Solano County, and request them to place the same in the tax levy for the year; said tax shall be collected from all property, real and personal, in the school district of the City of Vallejo. Said district comprises all the territory within the corporate limits of the city, and all outlying territory which may be annexed to it for school purposes only, as is provided in this charter. The money when collected shall be kept in separate funds, to be known as the "High School Fund," and the "Repair and Supply Fund of the School District of Vallejo"; and all warrants must show the fund upon which they are drawn, and the object for which they are drawn. All warrants drawn on the above-named funds must be signed by the president, and countersigned by the secretary of the Board of School Directors. Any warrant drawn on any of the funds herein named, for any other purpose but that for which it was created, shall be rejected by the County Auditor. The president and secretary of the Board of School Directors are charged with a knowledge of the condition of said funds. Any officer of the board who signs or countersigns a warrant on any depleted fund, or for more than has been provided for the year in which the warrant was drawn, shall be guilty of a misdemeanor; and shall be personally liable to the school fund drawn on for the full amount.

20. The Board of Education shall immediately after its organization elect a secretary, whose salary shall not exceed two hundred dollars a year.

21. The Board of Education shall elect two of its members who, together with the president of the board, shall constitute a standing Committee on Classification.

22. The board shall, upon the receipt of the statement of the secretary, as hereinafter provided, call for sealed bids for furnishing the articles in said statement specified. These bids shall be publicly opened in the office of the Board of Education, and the contracts awarded to the lowest and best bidders. Bids shall be called for by advertisement in one daily newspaper published in the city.

Duties of School Officers.

SEC. 106. It shall be the duty of the president and secretary to report to the Board of Education annually, and at such times as it may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of the city during the preceding year, with such recommendations as they may deem proper.

President.

SEC. 107. The president shall visit each school once a month, and at such other times as the welfare and efficiency of the schools demand, and shall observe, and cause to be observed, such rules for the regulation, government and instruction of the schools as may be established by the board.

The president may, for cause good and sufficient in his judgment, suspend any teacher employed in the schools of the city until the next meeting of the Board of Education, and may recommend to the board the dismissal of teachers, stating the reason therefor.

He shall attend all sessions of the board, and give information at each session of the condition of the schools, school-houses, school funds, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in this city; and acquaint himself with all the laws, rules, and regulations governing the schools in the city, and the judicial decisions thereon, and give advice upon all matters connected with the schools gratuitously to officers, teachers, pupils, and their parents and guardians.

Secretary.

SEC. 108. The secretary shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank-books, books for indigent children, apparatus, and such other appliances as may be necessary for the use of the city schools and the board for one year following.

School Teachers.

SEC. 109. No teacher shall be elected or appointed to a position in the School Department who does not hold a primary, or grammar grade, or high school certificate in full force; and no one shall be elected to a permanent position who has not taught successfully at least one school year. All teachers thus selected to permanent positions in the department, who are reported upon favorably by a majority of the Committee on Classification, shall retain their positions for the ensuing two years without reflection, and shall be removed only for cause. No teacher shall be removed from a position held in the schools of the city, except by the votes of four members of the board.

Claims.

SEC. 110. All claims payable out of the School Fund shall be filed with the secretary of the board, and, before payment, shall be approved by a majority of all the members elected to said board, upon a call of ayes and noes, which shall be recorded.

ARTICLE XIV.

PUBLIC LIBRARY DEPARTMENT.

Library and Reading-Rooms.

SEC. 111. The Vallejo Public Library and Reading-Rooms shall be under the management of a board of five trustees; said trustees shall not receive any compensation for their services.

SEC. 112. The City Trustees shall, for the purpose of maintaining such library and reading-rooms, as the Board of Library Trustees may from time to time establish, and for purchasing books, journals, periodicals, etc., annually levy a tax on all property in the city not exempt from taxation, which shall not be less than five cents nor more than seven cents upon each one hundred dollars assessed valuation of said property. The proceeds of said tax shall be credited to the Library Fund.

SEC. 113. All revenue from such tax, together with all money or property derived by gift, devise, bequest, or otherwise, for the purpose of the library, shall be paid into the treasury, and shall be designated as the Library Fund, and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of the library and reading-rooms, in accordance with the terms and conditions of such gift, devise, or bequest.

SEC. 114. The title to all property, real and personal, now owned or hereafter acquired by purchase, gift, devise, bequest, or otherwise, for the purposes of the library and reading-rooms, when not inconsistent with the terms of its acquisition, shall vest in the city, and in the name of the city may be sued for and defended by action at law or otherwise.

Powers and Duties of the Library Board.

SEC. 115. The board shall take charge of the Public Library and Reading-Rooms, and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise, or otherwise, when not inconsistent with the terms and conditions of the gift, devise, bequest, or this charter. It shall meet for business purposes at least once a month, and at such other times as it may appoint, in a place to be provided for the purpose. A majority of the board shall constitute a quorum for the transaction of business. It shall elect one of its number president, who shall serve for two years and until his successor is elected; and shall elect a librarian and secretary, and shall fix the salary of the librarian. The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all its proceedings.

SEC. 116. The board, by a majority vote of all its members, to be recorded in its minutes with the ayes and noes, shall have power:

1. To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of the library and reading-rooms, and all property belonging thereto, or that may be loaned thereto.
2. To administer any trust declared or created for such library and reading-rooms, and provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto.
3. To purchase books, journals, publications, and other personal property for the use of the city library.
4. To order the drawing and payment of vouchers, certified by the president and secretary, of money from the Library Fund for any liability or authorized expenditure.

ARTICLE XV.

POLICE DEPARTMENT.

SEC. 117. The Police Department of Vallejo shall consist of a permanent force, which shall consist of such number of policemen, not less than three, and not exceeding one for each fifteen hundred inhabitants, as the Board of Trustees shall from time to time by ordinance authorize to be appointed. All policemen shall be nominated by the Mayor and confirmed by the Board of Trustees, such appointees to hold office during efficiency and good behavior. The last United States census shall govern as to population.

Chief of Police.

SEC. 118. From the number of policemen appointed the Mayor shall appoint a Chief of Police, subject to the approval of the Board of Trustees, such appointment to be made biennially.

Duties of the Chief.

SEC. 119. The Chief of Police shall have command and control of the police force, subject to the general supervision of the Mayor. He shall have power to suspend any policeman for disobedience of any lawful order, for the violation of the rules of the

department, neglect of duty, drunkenness, or misconduct as a policeman; and he shall, upon suspending a policeman, promptly certify the fact, with the cause thereof, to the Mayor, who shall forthwith report the same, in writing, together with the charges preferred against such policeman, to the Board of Trustees; and if such policeman be found guilty by the board he shall be dismissed from the police force.

SEC. 120. The Chief of Police shall observe, and cause to be observed and enforced, all laws and ordinances within the city, and see that all lawful orders and process of the Board of Trustees and Justices' Courts within the city are promptly executed. For suppression of any riot, public tumult, disturbance of the peace, unlawful assembly, organized resistance to the law or public authorities in the performance of their duties, or in arresting persons for public offenses, he shall have the powers that are or may be hereafter conferred upon sheriffs by any law, and all his lawful orders shall be promptly executed by the police officers. In addition to the powers and duties herein enumerated the Chief of Police shall have such other powers and perform such other duties pertaining to the Police Department as may from time to time be conferred or imposed upon him by ordinance.

SEC. 121. The Chief of Police shall keep a public office, to be provided by the Board of Trustees, which office shall be kept open day and night. The Chief of Police shall devote his entire time to the discharge of the duties of his office, and shall not absent himself from the city, unless in pursuit of persons who have committed public offenses within the limits of the city. If such absence from the city be upon any other business not immediately connected with his office, except on vacation (and then only by written consent of the Mayor, filed with the City Clerk), he shall forfeit his salary for the time of such absence, and the proper amount shall be deducted from his next salary warrant by the City Auditor. Any policeman shall have the authority to execute the orders and process of the Justices' Court.

Patrolmen—their duties.

SEC. 122. No person shall be appointed to any position on the police force of the city, unless he shall be a man of good moral character, and of good repute for honesty and sobriety, a citizen of the United States and a resident and elector of the city for at least one year next preceding his appointment. Nor shall any person be so appointed who has been convicted of a felony, or who is unable to understandingly read and write the English language, or who is deficient in health, strength, or courage, and every appointee shall be not less than twenty-five or more than forty years of age, and must, before being appointed, present to the Mayor a certificate from a physician, selected by the Board of Trustees, that the applicant is in sound health and free from any physical disability that would incapacitate him from the duties of a policeman.

SEC. 123. Except as otherwise in this charter prescribed, the Mayor and Board of Trustees in making the appointments of the members of the police force shall be guided solely by the fitness of the applicant, and no person shall ever be appointed to or removed from the police force for, or on account of, partisanship, or for, or on account of, his political opinions. No member of the police force shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any officer, member, or employee in said department violating any of the provisions of this section shall forfeit his position.

SEC. 124. No member of the police force shall be allowed to receive any money, gratuity, or compensation for any services he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, without the written consent of the Mayor, first filed with the City Clerk; and any member of the police force who shall violate this provision shall be at once removed from office. The members of the police force shall not follow any other profession, calling, or business, but shall devote their entire time to the performance of their official duties; nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except for a yearly vacation, not to exceed two weeks, and no two officers to have vacation at the same time.

SEC. 125. The members of the police force shall promptly and fully obey, enforce, observe, and cause to be obeyed and enforced, all lawful orders of their superiors and all rules and regulations of the Police Department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders, with or without a warrant, the suppression of all riots, affrays, and disturbances of the peace, in the abatement of public nuisances, and the enforcement of the laws and city ordinances. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all the ordinances of the city, and with all laws of the State defining public offenses and regulating criminal proceedings.

Special Policemen.

SEC. 126. In addition to the regular and extra police force, the Mayor may, at times when very large numbers of people, in addition to the permanent inhabitants, congregate in the city, appoint not to exceed five special policemen, to serve not to exceed two weeks, who shall receive the same compensation for their services as is paid to regular policemen. The Mayor may, also, by and with the consent of the Board of Trustees, upon the petition of any person, firm, or corporation, appoint at any time a special policeman for special service, to be paid for by such person, firm or corporation; provided, however, that the locality where such special policeman is to act shall be

described in the warrant of appointment; and *provided further*, that no such appointment shall be made until the Board of Trustees, by affirmative vote of at least three of its members, authorize the appointment of a special policeman for such locality. The policeman so appointed shall not receive any pay from the city. All special policemen shall possess all the powers and discharge all the duties of regular policemen, and be under the direction and control of the Chief of Police, and be subject to and obey all rules and regulations of the Police Department. The term of office of any special policeman shall not extend beyond one year, nor shall such special policeman continue to act as such for a longer period than one year, unless reappointed.

The Board of Trustees shall prescribe the badge of office and uniform to be worn by members of the police force; *provided*, they conform as nearly as practicable to those adopted by cities of the first and second class.

ARTICLE XVI.

HEALTH DEPARTMENT.

Board of Health.

Sec. 127. The Board of Health shall consist of five members, two of whom shall be practicing physicians, who shall be appointed by the Board of Trustees.

Sec. 128. Regular meetings of the Board of Health shall be held once a month, and special meetings when called by the president or any three members, and all meetings shall be public; three members shall constitute a quorum for the transaction of any business.

Powers and Duties of the Board, and Officers.

Sec. 129. Said Board of Health shall have supervision of all matters appertaining to the sanitary condition of the city and public institutions thereof, and full powers are hereby given to said Board over all questions of foul or defective drainage, and of the disinfection and sanitary cleaning of the streets, alleys, cellars, cesspools, sewers, or nuisances of any description, and of low places within the city limits calculated to receive and retain unhealthy deposits.

Sec. 130. The Board of Health shall exercise a general supervision over and be the custodian of all death and cemetery records now belonging to the city, and they shall cause to be kept, in books prepared for the purpose, complete records of all deaths, interments in the city cemeteries, and births occurring in said city. They shall adopt such forms and regulations for the use of physicians, undertakers, and superintendents of cemeteries as in their judgment may be best calculated to secure reliable, vital, and mortality statistics in said city, and prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and by the consent of the Mayor may provide the necessary attendants and supplies for the pesthouse.

Sec. 131. The Board of Trustees of the City of Vallejo shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt; and all expenses necessarily incurred by the Board of Health in carrying out the provisions of law and this charter shall be provided for by the Board of Trustees, who are hereby authorized and directed to make an appropriation therefor out of the General Fund.

President and Secretary—Duties.

Sec. 132. The Board of Health shall, upon its appointment, and annually thereafter, elect from its members a president and secretary. The secretary shall be a practicing physician and ex officio Health Officer of the city.

Sec. 133. The secretary shall see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the Board of Health are properly enforced. He shall keep a full record of all the transactions of the Board of Health, as well as all records appertaining thereto, and issue all permits for burials or removals in any of the cemeteries of the city, and no interments shall be made therein, unless said Health Officer is satisfied of the correctness and reliability of the certificate of death, presented for his inspection. He shall have the powers of a police officer, and shall make an extended annual report to the Board of Health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

Health Officer.

Sec. 134. The Health Officer shall visit, once in each quarter, all public buildings and school-houses in said city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

The Health Officer shall promptly report in writing to the superintendents or governing authorities of all schools the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria, or any contagious disease. Said superintendents when so notified must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, or from the Health Officer, that there is no longer any danger from contagion. When a case of contagious disease is reported to the Health Officer he may visit the premises where the person is, and when satisfied that said disease exists,

he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises.

The Health Officer may cause to be removed to a smallpox hospital any person in said city affected with smallpox. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pesthouse, the Health Officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

The Health Officer shall vaccinate, free of charge, all persons applying to him.

Every member of the Board of Health may administer oaths on matters connected with the Health Department.

ARTICLE XVII.

CEMETERIES.

SEC. 135. The Board of Trustees shall have power to create, control, regulate, abolish, or prohibit cemeteries; to sell or otherwise dispose of lots in those created; and to control and regulate interments within the city limits, and to provide for moving human remains from the city.

ARTICLE XVIII.

FIRE DEPARTMENT.

SEC. 136. The Fire Department and all property belonging thereto shall be under the management and control of the Board of City Trustees.

The Board of Trustees shall provide all necessary apparatus and appliances for the extinguishment and location of fires.

Officers of the Department.

SEC. 137. The Fire Department shall consist of a Chief Engineer and two assistants, and such companies and foremen, firemen, and employes as the Board of Trustees may, by ordinance, from time to time determine to be necessary. The Chief Engineer and foremen of the several companies shall constitute a Board of Management of the Department, of which board the Chief shall be chairman.

All appointments and removals in the department shall be made by the Board of Trustees, upon recommendation of the Board of Management.

SEC. 138. The Board of Trustees shall prescribe the qualifications for membership in the department, provide rules and regulations for its government, determine the manner of their enforcement, and the penalties for their violation, and it shall be the duty of the Board of Management to see that said rules are enforced.

Chief—His Duties.

SEC. 139. The Chief Engineer shall be the executive officer of the Fire Department, and ex officio Fire Marshal of the city, and it shall be his duty to see that the laws, orders, rules, regulations, and ordinances concerning the department are observed and carried into effect; and he shall also attend to such duties as Fire Warden as may be prescribed by the Board of Trustees.

Power to Make Arrests.

SEC. 140. The Chief Engineer and the Assistant Engineers while in the discharge of their duties shall be vested with all the powers of arrest and detention vested in police officers.

SEC. 141. The Chief Engineer and his assistants shall be elected by the members of the department. The officers of the several companies shall be elected by the members thereof.

SEC. 142. The salary of the Chief of the Fire Department and the manner of his election, and that of his assistants, shall remain as in this charter provided, until the department is reorganized, when the Trustees may, by ordinance, alter the same.

ARTICLE XIX.

REVENUE AND TAXATION.

SEC. 143. All property in the city, not exempt under the laws of the State or the United States, excepting property used exclusively for public schools, and such as may belong to the United States, the State, to Solano County, or to the city, is subject to taxation for municipal purposes. All taxable property must be assessed at its full cash value. The term "cash value" shall mean the amount at which the property would be appraised if taken in payment of a just debt due from a solvent debtor. Land and improvements thereon must be separately assessed. A mortgage, deed of trust, contract, or other obligation by which a debt is secured shall, for the purpose of assessment and taxation, be deemed an interest in the property affected thereby. In case of debts so secured, the value of the property, less the value of security, shall be assessed and taxed to the owner of the property, and the value of the security shall be assessed and taxed to the owner thereof, and the taxes so levied shall be a lien upon the property and security.

SEC. 144. The City Assessor must, between the first Mondays of March and July of each year, ascertain the names of all persons taxable, and of all property in the city subject to taxation, and must assess such property to the person by whom it was

owned or claimed, or in whose possession or control it was at noon on the first Monday of March next preceding; but no mistake in the name of the owner or supposed owner shall render the assessment invalid. In assessing solvent credits not secured by mortgage or trust deed, a reduction therefrom shall be made of debts due to bona fide residents of the State. The Assessor shall have power to, and he must exact from, each person a statement, in writing, under oath, setting forth specifically all the real and personal property owned by such person, or in his possession, or under his control, at noon on the first Monday in March. If any person, after demand made by the Assessor, neglects or refuses to give under oath the statement herein provided for, or to comply with the other requirements of this charter relating to assessments and taxation, the Assessor must make an estimate of the value of the property of such person, and the value so fixed by the Assessor shall not be reduced by the Board of Trustees.

SEC. 145. If the owner or claimant of any property, not listed by another person, is absent or unknown, the Assessor must make an estimate of the value of such property. If the name of the absent owner is known to the Assessor, the property must be assessed in his name; if unknown, the property must be assessed to "unknown owners."

SEC. 146. Any property willfully concealed, removed, transferred, or misrepresented by the owner thereof to evade taxation, must, upon discovery, be assessed at not exceeding ten times its value, and the assessment so made must not be reduced by the Board of Trustees. Any property discovered by the Assessor to have escaped assessment for the last preceding year, if such property is owned or controlled by the same person who owned or controlled it for such preceding year, may be assessed at double its value.

SEC. 147. On or before the twenty-fifth day of February of each year, the County Recorder shall furnish the City Assessor a list of all transfers of city property, and the amount thereof, also the names of all persons who have acquired property during the past year or since the last report has been submitted.

SEC. 148. The City Assessor must annually prepare an assessment book, with appropriate headings, alphabetically arranged, in which must be listed all property within the city subject to taxation; which assessment book must be completed by the Assessor on or before the first Monday of July. The Assessor shall also make a map book showing a plan of the various blocks of the city, and mark thereon, in each subdivision thereof, the name of the person to whom it is assessed. As soon as completed, the assessment book, together with the map book and statements, must be delivered to the City Clerk, who must immediately give notice thereof, and of the time the Board of Trustees will meet to equalize assessments, by publication in a daily newspaper published in the city; and in the meantime the assessment book must remain in his office for the inspection of all persons interested.

SEC. 149. The Board of Trustees must meet on the first Monday of July of each year to examine the assessment book and equalize the assessment. It must continue for that purpose from time to time, until the business of equalization is disposed of, but not later than the third Monday in July. The board has power, after giving notice, in such manner as it may by rule prescribe, to increase or lower any assessment contained in the assessment roll, so as to equalize the assessment of property and make it conform to the true value of such property in money. No reduction must be made in the valuation of any property unless the party affected thereby, or his agent, files with the board a written application therefor, verified by his oath, and showing the facts upon which such reduction is claimed. No reduction must be made unless such person, or his agent, attends or answers, under oath, all questions relating to the value of the property. The board may subpoena such witnesses and hear such other evidence in relation to the matter as it may deem proper.

SEC. 150. During the session of the board it may direct the Assessor to assess any taxable property that has escaped assessment, or to add to the amount, number, or quantity of property, when a false or incomplete list has been rendered, and to make and enter new assessments (at the same time cancelling previous entries) when any assessment made by him is deemed by the board so incomplete as to render doubtful the collection of the tax. The clerk of the board must record, in a book kept for that purpose, all changes, corrections, and orders made by the board, and must enter upon the assessment book all changes and corrections so made, and must, on or before the first Monday in August, deliver the assessment book, so corrected, to the City Auditor.

SEC. 151. The City Auditor, as soon as the assessment book is delivered to him by the clerk, must proceed to add up the valuations and enter the total valuation of each kind of property, and the total valuation of all property on the assessment book; and must, before the third Monday in August, report a statement thereof, in writing, to the Board of Trustees.

SEC. 152. The Mayor, City Collector, and City Auditor shall constitute a Board of Estimate, of which board the Mayor shall be chairman and the Auditor shall be secretary. It shall be the duty of said Board of Estimate, on or before the second Monday of August of each year, to prepare and transmit to the Board of Trustees, accompanied by estimates and reports from the various departments of the city government, an estimate of the probable necessities of the city government for the next ensuing fiscal year, giving the amount required to meet the sinking and interest fund for any and all outstanding debts, together with the amount needed for salaries, and the probable wants of all the departments of the city government in detail, and showing specifically the necessities of each of the several specific funds to be provided for in the treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue

is likely to accrue to the treasury, and be collected, from fines, licenses, water rates, harbor dues, and all other sources of revenue, exclusive of taxes upon property, and shall give an estimate of what amount will be required to be levied and collected by tax upon all property in the city subject to taxation, in order to meet the necessities of such fiscal year. If such estimates shall show that an increased amount will be required in any specific fund over the amount required for such fund for the pending fiscal year, such estimates shall also state the reasons why such increase will be required. The salaries pertaining to the respective offices held by them shall be in full compensation for all services performed by the members of said Board of Estimate.

Sec. 153. The Board of Trustees shall annually fix the rate of taxation to be levied, and levy the taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxation so levied shall not exceed in any year one dollar for each one hundred dollars upon the assessed value thereof, except for the payment of principal and interest of the bonded debt of the city, if any. Every tax has the effect of a judgment against the person, and every lien created by this charter has the effect of an execution levied against all property of the delinquent, and the judgment is not satisfied nor the lien removed until the taxes are paid or the property sold therefor. Every tax due upon personal property is a lien upon the real property of the owner thereof from and after twelve o'clock noon, of the first Monday in March in each year. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements on real property assessed to others than the real owner of the real property, is a lien on the land and improvements, which several liens attach at twelve o'clock noon, of the first Monday in March in each year.

Sec. 154. As soon as the Board of Trustees has fixed the rates of taxes for the year, the Auditor must compute and enter in a separate column in the assessment book, the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns, showing the total amount of such taxes; and on or before the fourth Monday in September he must deliver said corrected and completed assessment book to the City Collector, and charge the Collector with the full amount of the taxes levied.

Sec. 155. Upon receipt by him of the assessment book, the Collector must publish, for at least five days, a notice in some daily newspaper published in the city, specifying:

First—That the taxes on all personal property, secured by real property, and one half the taxes on all real property, will be due and payable at the office of the City Collector on the first Monday in October, and will be delinquent on the last Monday in November next thereafter, at six o'clock p. m., and that unless paid prior thereto fifteen per cent will be added to the amount thereof, and that if said one half be not paid before the last Monday next thereafter, at six o'clock p. m., an additional five per cent will be added thereto; that the remaining one half of the taxes on all the real property will be payable on, or after, the first Monday in January next thereafter, and will be delinquent on the last Monday in April next thereafter, at six o'clock p. m., and that unless paid prior thereto five per cent will be added to the amount thereof.

Second—That all taxes may be paid at the time the first installment is due and payable.

Sec. 156. At any time after the duplicate assessment book has been received by the Tax Collector, and the taxes have become payable, the owner of any property assessed therein, who may claim that the assessment is void in whole or in part, may pay the same to the Tax Collector under protest, which protest shall be in writing, and shall specify whether the whole of the assessment is claimed to be void, or, if a part only, what portion, and in either case, the grounds upon which such claim is founded; and when so paid under protest, the payment shall in no case be regarded as a voluntary payment, and such owner may at any time within six months after such payment bring an action against the city in the Superior Court, to recover back the tax so paid under protest; and if it shall be adjudged that the assessment, or the part thereof referred to in the protest, was void on the ground specified in the protest, judgment shall be entered against the city therefor.

Sec. 157. The City Collector must mark the fact and date of payment or partial payment, as the case may be, in the assessment book opposite the name of the person assessed. He must also give a receipt to the person making the payment.

Sec. 158. On the last Monday in November of each year, at 6 o'clock p. m., all taxes then unpaid, except the last installment of the real property taxes, are delinquent, and thereafter the Collector must collect an addition of fifteen per cent thereon; *provided*, that, if they are not paid before the last Monday in April next succeeding, at six o'clock p. m., he shall also collect an additional five per cent thereon. On the last Monday of April of each year, at six o'clock p. m., all the unpaid portions of the remaining one half of the taxes on real property are delinquent, and thereafter the Collector must collect an addition of five per cent thereon; *provided*, that the entire tax on real property may be paid at the time the first installment is due; and *provided further*, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of said personal property is made.

Sec. 159. On the second Monday in December of each year, the City Collector must attend at the office of the Auditor, with the assessment book, and the Auditor must

carefully examine the same, and if satisfied that the statements there appearing of the taxes due and unpaid, are correct, he must foot up the amount of all taxes so due and unpaid, and must settle with him for the taxes paid, and require from him the Treasurer's receipt therefor.

SEC. 160. On the third Monday in May of each year, the Collector must attend at the office of the Auditor, with the assessment book, and must furnish and deliver to the Auditor at said time a complete "delinquent list" of all persons and property then owing taxes, in which list must be set down in numerical or alphabetical order all matters and things contained in the assessment book and relating to the delinquent persons or property. The Auditor must carefully compare the "delinquent list" with the assessment book, and if satisfied that it contains a full and true statement of all taxes due and unpaid he must foot up the amount of taxes so remaining unpaid, and credit the Collector therewith, and must settle with him for the taxes and percentages therein, collected since the December settlement, and require from him the Treasurer's receipt therefor. After such settlement with the Collector, the Auditor must charge the Collector with the amount of taxes due on the delinquent list, with five per cent added thereto, and within three days thereafter deliver said delinquent list, duly certified, to such Collector.

SEC. 161. After April thirtieth, and on or before the second Monday of each year, the Tax Collector must notify all persons, or their agents, by mail where postoffice address can be obtained, that their taxes have become delinquent, the amount of said taxes, and that the property will be sold unless paid prior to the third day of July of said year.

SEC. 162. On or before the fifth day of June of each year, the Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property added to the taxes due on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. The expense of the publication shall be a charge against the city. The Collector must append to and publish with the delinquent list, a notice that unless the taxes delinquent, with the costs and percentages, are paid, the real property upon which such taxes are a lien will be sold at a time and place designated in the notice. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place of sale must be at the City Tax Collector's office in the City of Vallejo. The publication must be made once a week for three successive weeks in one daily newspaper, or supplement thereto, published in the city. A copy of the publication, with the affidavit of the Collector attached thereto that it is a true copy of the same, that the publication was made in a newspaper, or supplement thereto, published in the city, and the date of each appearance, shall be filed with the City Auditor, which affidavit shall be prima facie evidence of all the facts therein stated.

SEC. 163. The City Collector must collect, in addition to the taxes and percentages due on the delinquent list, fifty cents on each tract of land separately assessed, as costs for preparing the lists.

SEC. 164. On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all kinds, penalties, and costs have not been paid, shall, by operation of law and the declaration of the Tax Collector, be sold to the city, and said Tax Collector shall make an entry, "Sold to the City," on the delinquent assessment list, opposite the tax, and he shall be credited with the amount thereof in his settlement, made pursuant to law; *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay taxes, penalties, and costs due.

SEC. 165. Immediately upon completion of the sale provided for in the preceding section, the Tax Collector must transmit to the Auditor and Assessor a statement or report in proper form, showing in detail each sale wherein the city became such purchaser.

SEC. 166. The Tax Collector must make out a certificate of delinquent tax sale for each piece or tract of land sold, dated on the day of the sale, stating (when known) the name of the person assessed, a description of the land sold, that it was sold for delinquent taxes to the city, and giving the amount and year of the assessment, and specifying when the city will be entitled to a deed.

SEC. 167. A redemption of the property sold may be made by the owner, or any party in interest, within five years from the date of sale to the city, or at any time prior to the entry or sale of said land by the city, in the manner provided by the following section herein.

SEC. 168. In all cases where real estate has been or may hereafter be sold to the city for delinquent taxes, and the city has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators, or other successors in interest, shall, at any time after the same has been sold to the city, and before the city shall have disposed of the same, have the right to redeem such real estate by paying to the City Treasurer the amount of taxes due thereon at the time of said sale, with interest thereon at the rate of seven per cent per annum; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also for each year since the sale for which taxes on said land have not been paid an amount equal to the percentage of taxes for that year upon the value of the real estate as assessed for that year; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of January of each of said years, respectively, at the same rate, to the time of redemption; and also all costs and expenses of such redemption, as hereinafter specified,

the penalties as follows, to-wit: Ten per cent, if redeemed within six months from date of sale; twenty per cent, if redeemed within one year therefrom; forty per cent, if redeemed within two years therefrom; sixty per cent, if redeemed within three years therefrom; eighty per cent, if redeemed within four years therefrom; and one hundred per cent, if redeemed within five years or any greater number of years therefrom. The penalties shall be computed upon the amount of each year's taxes in like manner, reckoning from the time when the lands would have been sold for the taxes of that year, if there had been no previous sale thereof. The Auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him duplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the Treasurer, together with the money, and the City Treasurer shall give duplicate receipts, written or indorsed upon said certificates, to the redemptioner, who shall deliver one of said receipts to the City Auditor, taking his receipt therefor. The City Treasurer shall settle for the moneys received as for other city moneys. Upon the payment of the money specified in said certificate, and the giving of the receipts aforesaid by the Treasurer and Auditor, any deed or certificate of sale that may have been made to the city shall become null and void, and all right, title, and interest acquired by the city, under and by virtue of the tax sale, shall cease and determine. The receipts of the City Treasurer and City Auditor may be recorded in the Recorder's office of the County of Solano, in the book of deeds, and the record thereof shall have the same effect as that of a deed of conveyance of the interest conveyed by such deed or certificate of sale.

SEC. 169. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make the city a deed of the property, reciting in such deed the name of the person assessed (when known), the date of the sale, a description of the land sold, the amount for which it was sold, that it was sold for delinquent taxes, giving the assessed value and the year of assessment, the time when the right of redemption had expired, and that no person has redeemed the property in the time allowed by law for its redemption. No charge shall be made by the Tax Collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the City Clerk free of charge. All such deeds shall be recorded in the office of the County Recorder of Solano County. The City Clerk shall provide uniform blank deeds, upon which all conveyances to the city under the provisions of this section shall be made. All such deeds, after being duly recorded, as herein provided, shall be forwarded by the County Recorder to the City Clerk. The City Clerk shall record all such deeds in a book to be provided for that purpose, in which book a marginal space shall be left to show the subsequent disposition of the property by the city.

In all cases where land has heretofore been sold to the city for delinquent taxes, the deed therefor shall be made to the city within one year after this charter takes effect; *provided*, five years shall have elapsed after the date of such sale.

SEC. 170. The City Collector shall, after the first Monday in February of each year, collect the taxes due on personal property, except where real estate is liable therefor, by seizure and sale at public auction of any property owned by the delinquent. The sale must be made, after five days' notice, given by publication or by posting in three public places in the city, and must be of a sufficient amount to pay the taxes, percentages, and costs. For seizing and selling personal property, the Collector may charge, in each case, the sum of three dollars costs. On payment of the price bid, the delivery of the property, with a bill of sale, vests the title in the purchaser. All excess over the taxes, percentages, and costs of proceeds of any property sold must be returned to the owner, and, until claimed, must be deposited in the city treasury for his benefit. The unsold portions of the property seized may be left at the place of sale at the risk of the owner.

SEC. 171. The City Collector must, on the second Monday of July of each year, attend at the office of the City Auditor with the delinquent list, and the Auditor must then carefully compare the list with the assessments of persons and property not marked "paid" on the assessment book, and when taxes have been paid must note the fact in the appropriate column in the assessment book. The Auditor must then administer to the Collector an oath, to be written and subscribed on the delinquent list, that every person and all property assessed on the delinquent list, on which taxes have been paid, has been credited in the list with said payment, and that the taxes not marked "paid" have not been paid, and that the Collector has not been able to discover any property of the persons liable to pay the same, out of which to make the collection. The Auditor must then foot up the amount of taxes unpaid, and credit the Collector therewith, and have a final settlement with him; and the delinquent list must remain on file in the Auditor's office. Interest must be collected on all such delinquent taxes, at the rate of one per cent per month from the time delinquent until paid.

SEC. 172. Any taxes, percentages, or costs, erroneously or illegally collected, may, by order of the Board of Trustees, be refunded by the Treasurer.

SEC. 173. The Assessor, between the first Monday in March and the first Monday in July of each year, must collect the taxes on all personal property, when the owner thereof has no real estate, or when, in his opinion, said taxes are not a lien on real property sufficient to secure the payment; he may enforce such collection by seizure and sale of any personal property owned by the person liable to pay the tax. Such seizure and sale shall be conducted in the same manner as provided to be done by the Collector by section one hundred and seventy hereof. The Assessor and Collector are

governed as to the amount of taxes so collected on personal property, by the rate of the previous year. When the rate is fixed for the year in which the collection is made, then, if a sum in excess of the rate has been collected, the excess shall be repaid by the Treasurer to the person from whom it was collected, and if a sum less than the rate has been collected, the deficiency must be collected, as are other taxes on personal property.

SEC. 174. The Assessor must settle with the City Treasurer and pay into the treasury, daily, the personal property taxes collected by him, and the Auditor must, as soon as the assessment book for the year comes into his hands, note opposite the name of each person from whom taxes have been so collected, the amount thereof, and as soon as the rate for the year is fixed, he must also note on the assessment book, in connection with the previous entry, the amount of excess or deficiency.

SEC. 175. Omissions, errors, or defects of form in the assessment book, or in the delinquent list, may, with the written consent of the City Attorney, be supplied or corrected by the Assessor at any time prior to the sale for delinquent taxes. In the assessment, advertisement, and sale of taxes, initial letters, abbreviations, and figures may be made use of, and no assessment or act relating to the assessment or collection of taxes is illegal on account of informality, nor because the same was not completed within the time designated.

SEC. 176. All taxes assessed before this charter takes effect must be collected at the time provided for, and under the laws in force at the time the assessment was made, and all such taxes shall be valid and collectible the same as if this charter had not been adopted.

SEC. 177. Should the Board of Trustees at any time deem it necessary for the interest and protection of the city at large, or any portion thereof, or the property or health of the citizens thereof, or any other matter or thing, the object of which would be to advance the interests of the city, to contract and create any debts or obligations against the city for materials furnished and labor and services performed without having the funds in the treasury to pay the same, the said Board of Trustees may enter into contracts, and create debts or obligations, without interest, and are hereby empowered and authorized to levy and collect a special tax, annually or in one levy, to pay such debts and obligations so created, and provide the mode and manner of their payment; *provided*, that no such debts, obligations, or claims shall be contracted or created against the city without first having been voted upon by the qualified electors thereof, unless expressly provided by this charter. Notice shall be given of such elections by publication for not less than two weeks theretofore in one daily newspaper published in the city, in which notice the contemplated repairs or improvements, and the cost or estimated cost of the same, and the manner it shall be paid for, shall be distinctly stated. If two thirds of the votes cast at such election be in favor of the proposition named, then the board shall be authorized to proceed with the work, and to create the liability against the city to the extent so voted for. For all debts and obligations so contracted and created the said board shall issue warrants therefor, under the seal of the city, and specifying therein the date of election by which the issuance thereof was authorized and the total amount of warrants then issued under and by virtue of such authority.

SEC. 178. The aggregate amount of the bond and floating debt of the city shall never be allowed to exceed ten per cent of the value of all the real and personal property of the city, as shown on the last preceding assessment roll of the city.

ARTICLE XX.

IMPROVEMENT OF STREETS.

Public Streets.

SEC. 179. All streets, lanes, alleys, places, and courts in said City of Vallejo, now open or dedicated to public use, and of which the grade and width have been legally established, shall be deemed and held to be open public streets for the purposes of this article.

Expense of Work.

SEC. 180. The cost and expense of all work or improvements done upon any part of said streets, lanes, alleys, places, or courts, under the orders of the Board of City Trustees, shall be borne and paid for as follows:

First—The city shall pay out of the General Fund the cost and expense of all work done upon street crossings and intersections of streets, that have been or may be accepted by the city, after the acceptance of the same; of all work done in front of or that may be assessed to property owned by the city, or any of the departments thereof.

Second—The cost and expense of all grading, macadamizing, paving, planking, piling, and capping any street or portion thereof, and all curbs and gutters thereon, shall be assessed upon lands within the block or blocks adjacent thereto, as herein provided.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company, or corporation having railroad tracks thereon, shall be borne and paid by such person, company, or corporation.

No assessments shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per cent of the value at which said property was assessed upon the last assessment book of said city.

Accepting Streets.

SEC. 181. When any street or portion of a street, not less than one block, or any entire crossing shall have been paved with stone, or with such material as may be recommended by the Commissioners of Public Works and approved by the Board of Trustees, by ordinance, throughout the entire width of the roadway thereof, and curbs of stone and sidewalks shall have been constructed thereon, and a brick sewer or ironstone pipe shall have been constructed, as may have been adopted by said board, the same shall be accepted by the Board of Trustees, upon the recommendation of said commissioners, and all improvements of said streets, except for sidewalks, shall thereafter be done at the expense of the city. The Board of Trustees shall not accept any sidewalk or incur any liability against said city for the construction or repair of any sidewalk, except in front of or with respect to public property.

Applications for Street Work.

SEC. 182. When application is made to said board for any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, the board shall investigate the same, and if it determine that such improvement is expedient, it shall so report to the Board of Trustees, and the Board of Trustees shall not order any such improvement until the same has been recommended by the Commissioners of Public Works. The commissioners may also, except as herein prohibited, recommend any improvement, the cost and expense of which is to be paid by the city, though no application may have been made therefor; and must make, with said recommendations to the Board of Trustees, an estimate of the expense, and in such case the Board of Trustees may order the same done.

When said board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Said map shall be transmitted to the Board of City Trustees with such recommendation. The commissioners shall not recommend, nor the Board of Trustees shall not authorize, any work to be done, or any improvements to be made on any street, lane, alley, court, or place in front of private property, except the cost of all work to be done, or improvements to be made, including incidental expenses, shall be assessed to the property so improved, except otherwise provided in this charter.

SEC. 183. The Commissioners of Public Works may recommend the making of any repairs or improvements that they may deem necessary for the public good, but before recommending to the Board of Trustees the ordering of any work or improvement, the cost and expense of which, or any part thereof, is to be assessed to private property, said commissioners shall pass a resolution of their intention to recommend the same, specifying the work to be recommended, and shall fix a day when they shall take final action upon such resolution, and within ten days thereafter the secretary of said commissioners shall, without any further authority, cause a copy of said resolution to be published in one newspaper for a period of ten days. Said Board of Commissioners shall cause to be conspicuously posted along the line of said contemplated improvements, at points not more than one hundred feet distant apart, notices, not less than three in all, of the passage of said resolution. Each of said notices shall be headed, "Notice of Street Work," in letters of no less than two inches in length, and shall, in legible characters, state the fact of the passage of said resolution, its date, and briefly, the work of improvement proposed, and refer to resolution for particulars.

SEC. 184. At any time within ten days after the first publication of said resolution of intention, the owner of, or any person interested in, any lot liable to be assessed for the proposed improvement, may file with the secretary of the commissioners his objection to said improvement, stating briefly the ground thereof; and if at any time within said period of ten days the owners of a majority of the frontage of the lands liable to be assessed for said improvement shall file written objections to the same, the commissioners shall not recommend the ordering of said improvement, and shall not, within six months thereafter, pass any resolution of their intention to recommend the same, unless prior thereto they shall receive a petition therefor signed by the owners of a majority of the frontage of the lands liable to be assessed for said improvement.

Upon the day fixed in their resolution of intention for final action thereon, or at their next regular meeting, the commissioners shall consider and pass upon said objections.

If the commissioners shall consider that the objections are sufficient, they shall adopt a resolution to that effect, and shall not recommend the ordering of said improvement. If they shall consider that said objections are not sufficient, or if no objections are filed, the commissioners may recommend the ordering of said improvement, and must, with their recommendation, transmit to the Board of Trustees all objections to such recommendation that may have been filed.

At the next regular meeting after receiving from said commissioners their recommendations of such improvement, or at such time within thirty days thereafter, to which the hearing thereof by the Board of City Trustees may be postponed, the Board of City Trustees shall act upon such recommendation; and if any objections to the ordering of such improvement have been transmitted with said recommendations they shall consider and dispose of said objections before passing upon said recommendation. If the Board of Trustees shall consider the objections, or any of them, sufficient, it shall so declare by resolution. If the Board of Trustees consider the objections insufficient, it may, by ordinance, order the work or improvement done. Their action on said recom-

recommendation must, in each case, be certified to the secretary of the Commissioners of Public Works, and the secretary shall thereupon enter the facts so certified in his records of street work.

Street Assessments.

SEC. 185. When any work in or upon any public street shall have been completed according to contract, the commissioners shall make an assessment to cover the sum due for the work performed and specified in the contract, including all incidental expenses, in conformity with this article, according to the nature and character of the work; which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot, if known to said commissioners, and if not known the word "unknown" shall be written opposite the number or letter of each lot assessed, and shall have attached thereto a diagram exhibiting the street or streets crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the number in the assessment, and showing the number of front feet assessed for such work. A mistake in the name of the owner shall not invalidate the assessment.

SEC. 186. After making said assessment said commissioners shall cause notice thereof to be published for five days, and to be delivered to the owner of each lot assessed, which notice shall state the day and hour when the commissioners will at their office take final action upon said assessment. If any of said lots are unoccupied said notice shall be posted in a conspicuous place upon said lots.

SEC. 187. If the owner of any lot affected by said assessment is dissatisfied with the action of the commissioners as to said assessment, he may appeal to the Board of City Trustees at its next regular meeting, or at any time within ten days after such final action, by filing with the secretary of the Commissioners of Public Works a notice of such appeal, and thereupon the secretary shall, within two days after receiving such notice of said appeal, transmit said assessment and diagram, with said objections and notice of appeal, to the Board of Trustees, and said board shall, in not less than ten days from the receipt thereof, consider and determine the sufficiency of said objections.

If it shall determine that said objections are well taken, it shall direct the Commissioners of Public Works to modify or change said assessment in the particulars wherein it is erroneous, and thereupon the like proceedings shall be had in making the assessment as in the first instance.

If the Board of City Trustees shall determine that the objections to the assessment are not well taken, the clerk of said board shall certify such determination upon said assessment, and return said assessment so certified to the Commissioners of Public Works, and thereupon said assessment shall become final and conclusive.

When said assessment shall have become final and conclusive, it, together with the diagram of the lots assessed, shall be recorded in the book of assessments, to be kept in the office of the Commissioners of Public Works for that purpose, and the record thereof shall thereupon be signed by the President and Secretary of said board, and thereafter the assessment shall be a lien upon the respective lots assessed until the same is canceled or discharged as provided in this article, if not otherwise provided for in this charter.

SEC. 188. The expense incurred for any work authorized by this article, except for such portion of any street as is required by law to be kept in order or repair by any person, company, or corporation having railroad tracks thereon, shall be assessed upon the lots and land fronting thereon, except as herein otherwise specifically provided; each lot or portion of a lot being separately assessed in proportion to its frontage at a rate per front foot sufficient to cover the total expense of the work.

Street Crossings.

SEC. 189. The expense of the work on all street crossings where the streets intersect each other shall be paid by the city out of the Street Fund.

Other Street Work.

SEC. 190. The expense of all other work, not herein specifically provided for, shall be assessed according to such rules and regulations as the Commissioners of Public Works may have prescribed prior to the recommendation of said work.

Manner of Making Assessments.

SEC. 191. In making an assessment the Commissioners of Public Works shall act as a board, and the assessment shall be authenticated by the signature of a majority of said commissioners as "Commissioners of the Board of Public Works," and every assessment so authenticated and recorded in the book of assessments shall be prima facie evidence of the correctness and regularity of all proceedings of said commissioners and of the Board of Trustees prior to the date of such record.

SEC. 192. Upon the recording of an assessment as aforesaid, the president and secretary of the Commissioners of Public Works shall sign a warrant for its collection, and thereupon said assessment and diagram, with the warrant attached thereto, shall be delivered to the Tax Collector of said city for collection, who shall immediately give notice thereof by publication for ten days, except otherwise provided for in this charter. Said notice shall set forth in general terms the locality and character of the work or im-

provement for which the assessment was made, and shall notify all persons interested that a warrant for its collection has been given to said Tax Collector, and that unless payment is made within thirty days from the first publication of said notice the property so assessed will be sold to satisfy said assessment, if not otherwise provided for in this charter.

Sec. 193. When the assessment upon any of the lots delineated on said diagram shall be paid, the Tax Collector shall write the word "paid," together with the date of payment, opposite the number of said lot upon the assessment, and shall give to the person paying the same a receipt therefor, showing upon which lot said payment was made, and shall report the payment of said assessment to the secretary of the Commissioners of Public Works. Upon presentation of said receipt to the secretary of the Commissioners of Public Works he shall immediately enter upon the records of such assessment the fact and date of such payment.

Sec. 194. After the expiration of thirty days from the first publication of said notice by the Tax Collector, the assessment therein named shall be delinquent, and within twenty days thereafter, having published a notice for ten days, he shall sell the land upon which said assessments are delinquent. He shall add to the amount of the assessment on each lot its portion of the cost of advertising said sale. After making such sale the Tax Collector shall return the assessment and warrant, with a report of his doings indorsed thereon, to the office of the Commissioners of Public Works, and the secretary of said commissioners shall forthwith note in the record of said assessment, and opposite the number of each lot sold, the fact of payment or of the sale of said lot by the Tax Collector, together with the date and name of said purchaser. Said report of the Tax Collector shall be prima facie evidence of the correctness of all the proceedings taken by him in the matter of collecting said assessments.

Sale of Property for Delinquent Assessments.

Sec. 195. The general revenue law of the city, in force at the time of said sale, in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws, in relation to the redemption from tax sales, except as herein otherwise provided, shall be applicable to the proceedings for the sale of land for delinquent assessments.

Payment of Contractor.

Sec. 196. When said sale is completed, the contractor shall present his demand for the work done under his contract, to the Commissioners of Public Works, who shall act upon the same; if the said commissioners approve said demand, or any part thereof, the same must then be presented to the Board of Trustees, who shall pass on the same, and when audited by the Auditor, shall be paid by the Treasurer, out of the street fund; *provided*, that at any time before said sale, the Commissioners of Public Works, under such regulations as they may establish, may allow partial payments to be made to the contractor, as the work progresses, not to exceed twenty-five per cent of the value of the work done by the contractor at the time.

Planking, Paving, and Macadamizing.

Sec. 197. The Commissioners of Public Works may at any time, without application therefor, recommend to the Board of Trustees to order the planking, paving, or macadamizing of the portion of any street required by law to be planked, paved, or macadamized, by the person, company, or corporation having railroad tracks thereon. Upon such recommendation the Board of Trustees may, by ordinance, order such work to be done, and direct said commissioners to notify said person, company, or corporation of the fact of the passage of such ordinance. The secretary of the said commissioners shall thereupon forthwith, in writing, notify said person, company, or corporation of the passage of said ordinance; and if said person, company, or corporation shall not, within ten days after receiving said notice, commence in good faith to do said work, and prosecute the same diligently to completion, said Commissioners of Public Works shall invite sealed proposals for doing said work in the manner provided in the article on powers and duties of the Commissioners of Public Works, and all the provisions of said article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of said commissioners, the contractor shall be entitled to recover from such person, company, or corporation, the contract price for the cost and expense of said work, together with incidental expenses, in an action instituted in a court of competent jurisdiction. On the trial of such action the certificate of said commissioners of the completion of said work to their satisfaction shall be prima facie evidence of the regularity of all proceedings prior thereto, and of plaintiff's right to recover in said action.

Improvement Must Extend Full Width.

Sec. 198. No ordinance for improvement of any street, other than for sewers, sidewalks, and curbs, except for the improvement of the streets constituting or lying along the water front of said city, and except for such work as is provided for in the last preceding section, shall be passed by the Board of Trustees without extending the said improvement throughout the whole width of said street.

Definitions.

SEC. 199. Whenever in this article the word "street" occurs it shall be held to include all streets, lanes, alleys, places, and courts which have been, or may be hereafter, dedicated to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossing of the main streets. The word "improvement" shall be held to include grading, paving, planing, macadamizing, piling, and capping; and the construction and repair of public buildings, wharves, sewers, cesspools, manholes, culverts, drains, sidewalks, and curbs. The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing. The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor. The word "pave" shall include any pavement of stone, iron, wood, or other material which the Board of Trustees may, by ordinance, order to be used. The term "expense" shall include the price at which the contract was awarded, and the term "incidental expense" shall include all expenses incurred in printing and advertising the work contracted for; charges for advertising shall be no greater on any work, or any part of any work, ordered done by the Board of City Trustees, or any other board having authority to order work done, than is charged for what is known as "city printing," and no board or court shall allow any greater charge to be collected.

All notices and resolutions required in this article to be published shall be published daily in one newspaper published in the city, for the full period required by the ordinance providing for the said publication; *provided*, that Sundays or legal holidays shall not be counted as days of publication.

All notices required herein to be served, whether by delivery or posting, may be served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the newspaper in which the notice was published, or of his clerk, of the publication of any notice required in this article to be published, shall be prima facie evidence of such publication.

Changing Grade of Accepted Streets.

SEC. 200. When any street shall have been graded, paved, or otherwise improved in accordance with the terms of this charter, and the costs of said improvements shall have been paid by the owners of the lots or lands adjacent thereto, and such grading, paving, or other improvements shall have been accepted and established, no change shall be made in the grade of such street, unless on the petition of the owners of three fourths of the property fronting on said street. Upon the filing of said petition with the City Clerk, the Board of Trustees shall refer the same to the Commissioners of Public Works, which shall determine whether the improvement described would be a public benefit, and shall report their decision to the Board of Trustees. If the report of said board should favor granting the request of the petitioners, the Board of Trustees shall proceed in the manner specified hereinafter.

New Streets, Public Grounds, Etc.

SEC. 201. In all cases where land in said city shall be hereafter subdivided and laid out into blocks or plots, with lots, streets, and alleys, or where new streets or public grounds shall be laid out, opened, donated, or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Commissioners of Public Works for their approval; and if the commissioners approve the same, such approval shall be by them indorsed upon said map or plat, and said map, with said approval, shall then be filed in the office of the Recorder of Solano County; and without such approval indorsed thereon no map or plat shall be filed in the office of said Recorder, or shall have any validity; nor shall any street, alley, or public ground hereafter opened and dedicated as such, become or be a public street or be subject to any public improvement or expense, without such approval, indorsement, and filing.

Emergency Repairs.

SEC. 202. Said commissioners shall cause to be made all urgent repairs upon accepted streets that may from time to time be requisite for public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as is in this charter provided; but when the cost and expense of such repairs upon any accepted street, or portion of a street, shall exceed the sum of two hundred dollars, exclusive of material to be furnished from the corporation material yard, if there be any such material on hand, the same shall be done under contract, awarded in the manner provided in this charter.

All work required to be done on any street, or part of any street, in said city which has not been accepted, shall be done at the expense of the owners of the property fronting on said street, or part of said street, and in the manner provided in this article; *provided*, that the Board of Trustees may provide for such repairs on unaccepted streets as the Commissioners of Public Works may recommend as necessary to public safety; *provided, also*, that no greater sum than five hundred dollars shall be expended for that purpose in any one year.

Contracts for Material and Supplies.

SEC. 203. Said commissioners shall, from time to time, after they have been directed to do so by the Board of Trustees, by ordinance, invite proposals for supplying to the

city such materials as may be required for the repair of public streets, or for any improvement thereon, and such proceedings shall be had in awarding the contract therefor, as are in this charter provided for awarding other contracts.

Corporation Yard.

SEC. 204. The Board of Trustees shall select some place in said city which shall be known as the "corporation material yard," wherein shall be kept all material, tools, and implements to be used in cleaning and repairing the streets, or for any improvement thereto. Said yard shall be under the control of the Commissioners of Public Works.

Serial Bonds for Street Improvement.

SEC. 205. Whenever the Board of Trustees shall find, upon the estimates of the Commissioners of Public Works, that the cost of any proposed work or improvement authorized by this charter, will be greater than one dollar per front foot along each line of street so proposed to be improved, including the cost of intersection work assessable on said frontage, it shall have the power, in its discretion, to determine that serial bonds shall be issued to represent the cost of said work or improvement; said bonds to be issued, and the work to be done, in accordance with the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27th, 1893.

Said serial bonds shall extend over a period not exceeding ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January of every year after their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed seven per cent per annum, on all sums unpaid until the whole of said principal and interest are paid. Said bonds and interest thereon shall be paid at the office of the City Treasurer, who shall keep a fund designated by the name of said bonds, into which he shall receive all moneys paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon presentation of said coupons; and under no circumstances shall the said bonds or the interest thereon be paid out of any other fund. Said Treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee, and indorser of each bond, and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon paid.

SEC. 206. All work on the public streets in the city, as embraced in the Act of the Legislature of the State of California entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18th, 1885, and all Acts amendatory thereof, or supplementary thereto, shall be done by authority of the Trustees, and in conformity with the provisions of the said Act, except as otherwise provided for in this charter.

Sewers and Drainage.

SEC. 207. The Commissioners of Public Works shall devise, subject to the approval of the Board of Health, a general system of drainage, which shall embrace all matters relative to the thorough, systematic, and effective drainage of the city, and shall from time to time make to the Board of Trustees such recommendations upon the subject of sewerage and drainage as it may deem proper.

SEC. 208. The Commissioners of Public Works shall prescribe the location, form, and material to be used in the construction, reconstruction, and repair of all public sewers, manholes, sinks, drains, cesspools, and all other appurtenances belonging to the drainage system, and every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 209. The commissioners shall recommend to the Trustees rules and regulations concerning the public and private sewers and drains in the city, and upon recommendation of said commissioners, the Board of Trustees are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

SEC. 210. No person shall connect with, or open, or penetrate any public drain or sewer without first obtaining a permit in writing from said Commissioners of Public Works, and complying with the rules and regulations of the commissioners in relation thereto.

SEC. 211. Within one year after this charter shall go into operation, the Board of Trustees shall by ordinance provide that all premises along any street, or part of a street, in which there is a public sewer, shall connect with said public sewer. Upon the approval of said ordinance the Commissioners of Public Works shall give notice, by publication in one newspaper published in this city, for ten days, that all premises on any street, or part of a street, having a public sewer in it, must be connected by such drain or sewer as may be approved by the Board of Public Health; should any owner of any of said premises fail or neglect to have said connection made within six months from the date of the last publication of said notice, the Commissioners of Public Works shall proceed to, and make, such connections as they may deem proper, and all cost of making such connection shall be charged against the property, and shall be collected in the manner that all taxes or assessments are collected.

SEC. 212. Whenever the Commissioners of Public Works make any connection under

the provisions of this article, they shall prepare a bill which shall give the exact amount of cost of said work, and the secretary of the commissioners shall furnish the owner of the premises and the Tax Collector, each with a copy, and the commissioners shall retain on their file a copy of the same.

SEC. 213. The Board of Trustees shall have power to require, upon such notice as the board may direct, any lots, or portion of lot, within the city, which may be covered with stagnant water a portion of the year, to be filled up to such a level or grade as will prevent the same from being covered, and to assess the cost of such filling upon such real estate, and provide that it shall be a lien thereon.

ARTICLE XXI.

MISCELLANEOUS.

Illegal Approval of Demands.

SEC. 214. Every officer who shall approve, allow, or pay any demand on the Treasury not authorized by law, ordinance, or this charter, shall be liable to the city, individually, and on his official bonds, for the amount of the demand so illegally approved, allowed, or paid.

Buildings upon Wharves.

SEC. 215. No person, company, or corporation shall erect or maintain any building or structure, upon any wharf upon which there is a franchise, without the consent of the Board of Trustees, evidenced by ordinance, and said ordinance must clearly set forth the purpose for which such building or buildings are intended to be used, and if the proposed building or structure is to be used and maintained for the transaction therein of any business that cannot be lawfully conducted without a special permit, or license, the Board of Trustees shall have no power to pass such an ordinance; and if any such building or structure shall be on any wharf within the city limits, and if maintained or used for the transaction of any other business than that which is set forth in the franchise, or that requires to be licensed, when this charter goes into effect, the Board of City Trustees shall, by ordinance, order said building or structure removed within a definite time to be specified in said ordinance, and if the owner or person in control of the same shall neglect or refuse to remove it within the specified time, then the Commissioners of Public Works shall remove the same, and the owner shall have no claim against the city for damage, upon account of said removal.

Remuneration of Officials for Expenses Incurred.

SEC. 216. Whenever it shall become necessary for the interests of the city that any member of the Board of Trustees, Commissioners of Public Works, Library Trustees, or Chief of the Fire Department should be called upon to perform any duty for the city which involves travel, and incidental expenses in connection therewith, or to incur any other necessary expense, the member or members of such boards, or the Chief Engineer of the Fire Department, shall get an order or permit to incur such expense, from the Mayor, upon such form as may be adopted; on the completion of such duty such member of such boards, or the Chief Engineer of the Fire Department, shall render an itemized bill to the Board of Trustees, and upon approval of the same by the board, and being audited by the City Auditor, it shall be paid by the Treasurer as in this charter provided.

Limit of Indebtedness.

SEC. 217. No board within the City of Vallejo shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors of the city voting at an election to be held for that purpose, nor unless, before, or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within forty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

Amendments to the Charter.

SEC. 218. Whenever there shall be presented to the Trustees a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding State or municipal election, asking that amendment or amendments to this charter, to be set out in such petition, be submitted to the people, the board must submit to the vote of the electors of the city the proposed amendment or amendments.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements made therein are true, and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

The Board of Election Commissioners must make all necessary provisions for submitting the proposed amendment or amendments to the electors at a special election to be called by it, and shall canvass the vote in the same manner as in other cases of election.

All the provisions of the Constitution of the State embracing the subject in this sec-

tion provided for are hereby expressly applicable to such proposed amendment or amendments. But if at any time there shall be no constitutional provision or provisions under which this charter may be amended, then the aforesaid amendment or amendments must be submitted by the Board of Election Commissioners to the vote of the electors of the city at the election which next ensues after such petition is filed with the Trustees, if any such election is not to be held within sixty days after the filing of such petition.

The tickets used at such election shall contain the words "For the Amendment" (stating the nature of the proposed amendment), and "Against the Amendment" (stating the nature of the proposed amendment).

If three fifths of the votes cast upon such amendment or amendments shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact, and thereupon this charter shall be amended accordingly.

Former City Ordinances.

SEC. 219. All city ordinances, resolutions, and other regulations now in force and not inconsistent with the provisions of this charter, shall be and remain in full force after this charter takes effect until changed or repealed by the proper authority.

CERTIFICATE.

We, the undersigned members of the Board of Freeholders of the City of Vallejo, elected at the regular municipal election held on the twenty-first day of March, eighteen hundred and ninety-eight, have prepared and do hereby propose as a charter for said city the foregoing, consisting of twenty-one articles, and two hundred and nineteen sections.

Done in duplicate at the City of Vallejo, this seventeenth day of June, Anno Domini eighteen hundred and ninety-eight.

E. B. HUSSEY.
W. T. KELLEY.
J. R. WHITAKER.
J. J. LUCHSINGER.
JAS. A. LAMONT.
D. W. HARRIER.
GEO. W. EDGUMBE.
SAMUEL BROWN.
JOHN MINAHAN.
J. H. BRENNAN.
S. J. McKNIGHT.
H. L. HALLIDAY.
GEO. J. CAMPBELL.
WM. C. GREEVES.
CORNELIUS McCaULEY.

Attest: GEO. A. RONEY, Secretary.

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, CITY OF VALLEJO. }

This is to certify that we, W. B. Pressey, President of the Board of City Trustees of the City of Vallejo, and C. F. Muiridge, City Clerk of said City of Vallejo, have compared the foregoing proposed and ratified charter with one of the duplicates mentioned therein, and find that the same is an exact copy thereof; and we further certify that the facts set forth in the preamble preceding said charter herein are true.

Dated Vallejo, Cal., January 14, 1899.

W. B. PRESSEY,
President of Board of City Trustees of the City of Vallejo.
C. F. MUGRIDGE,
City Clerk of the City of Vallejo.

Concurrent Resolution read.

The roll was called, and Substitute for Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.
NOES—None.

Substitute for Senate Concurrent Resolution No. 3 ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Dickinson: Senate Bill No. 277—An Act to ascertain and

pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United States Volunteer service, in reorganizing the National Guard, and resulting therefrom, and making an appropriation to pay the same.

Read first time, and referred to Committee on Military Affairs.

By Senator Simpson: Senate Bill No. 278—An Act to amend Sections 1797 and 1798 of the Code of Civil Procedure of the State of California, relating to guardians and wards.

Read first time, and referred to Committee on Judiciary.

By Senator Langford: Senate Bill No. 279—An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns within the State of California, and repealing conflicting Acts.

Read first time, and referred to Committee on Corporations.

By Senator Davis: Senate Bill No. 280—An Act appropriating money for the maintenance of the Preston School of Industry for the fifty-first and fifty-second fiscal years, including salaries.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 281—An Act to amend an Act "relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 282—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 283—An Act to appropriate money for establishing an ice making and refrigerating plant at the Preston School of Industry.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 284—An Act to appropriate money for the purchase of tools and books for the use of the Preston School of Industry.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 285—An Act to appropriate money for the purchase of lumber and fencing materials for the use of the Preston School of Industry.

Read first time, and referred to Committee on Finance and Claims.

By Senator Pace: Senate Bill No. 286—An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Boyce: Senate Bill No. 287—An Act to amend Section 501

of the Civil Code of the State of California, relating to street railroad cars.

Read first time, and referred to Committee on Judiciary.

By Senator Sims: Senate Bill No. 288—An Act to amend Section 92 of the Civil Code, and to add a new section to said Code, to be known as Section 108 of the Civil Code, relating to grounds of action for divorce.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 289—An Act to amend Sections 980 and 981 of the Code of Civil Procedure, relating to powers of Superior Courts in cases of appeals from Justices' Courts.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 290—An Act to amend Sections 853, 854, 857, 896, and 924 of the Code of Civil Procedure, relating to practice in and trials of actions in Justices' Courts.

Read first time, and referred to Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 291—An Act to provide for the organization of mutual corporations to transact the business of life, health, and accident insurance on the stipulated premium plan, and the conduct of the business of such corporations; and to repeal an Act entitled "An Act relating to life, health, accident, annuity, or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 292—An Act to amend Section 61 of the Civil Code.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 293—An Act to amend Sections 354, 1489, and 1492 of the Political Code, relating to State Normal Schools.

Read first time, and referred to Committee on Education and Public Morals.

Also: Senate Bill No. 294—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator Taylor: Senate Bill No. 295—An Act to amend Section 2643 of the Political Code, relating to the duties of the Boards of Supervisors respecting roads.

Read first time, and referred to Committee on Roads and Highways.

By Senator Stratton: Senate Bill No. 296—An Act to provide for an investigation by the University of California into the rainfall and water supply of the State, and to make an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Trout: Senate Bill No. 297—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Hartley R. Hodgson, N. G. C.

Read first time, and referred to Committee on Finance and Claims.

By Senator Flint: Senate Bill No. 298—An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern metallic book cases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Wolfe: Senate Bill No. 299—An act entitled "An Act to amend Sections 3571 and 3572 of the Political Code."

Read first time, and referred to Committee on Judiciary.

By Senator La Rue: Senate Bill No. 300—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam and other improvements by the managers of the Napa State Hospital at Napa, and appropriating money therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Shortridge: Senate Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to be known and designated as Section 10, Article IX thereof, confirming the founding of the Leland Stanford Junior University, delegating certain powers to the trustees thereof, and exempting certain of its property from taxation.

Referred to Committee on Judiciary.

SPECIAL ORDERS—(RESUMED).

On motion of Senator Boyce, the following resolution, heretofore set as a special order for consideration on this day, was taken up for consideration:

WHEREAS, There has recently grown up a custom of interviewing legislators as to how they stand or propose to vote on pending measures and questions; and

WHEREAS, This information had been frequently published by prominent newspapers; and

WHEREAS, The proprietors or managers of various daily journals have specifically directed and ordered their local representatives stationed at Sacramento to go upon the floor of this body and interview the members for the purpose of publishing their views, and how they intend to vote, and the reasons for their vote, upon legislation pending before this body; and

WHEREAS, Such conduct is distasteful to the members of this body, and tends to embarrass legislation and promote corrupt lobbying, and seems to be intended to advance sensational journalism, rather than the public good; now, therefore, be it

Resolved, That any attempt on the part of newspaper representatives, while this body is in session, or upon the floor of the Senate, to interview members as to how they stand or expect to vote upon pending measures, shall be deemed a contempt of this body, and dealt with accordingly; and any proprietor or manager of a newspaper who shall give directions or orders to any subordinate, agent, servant, or employé, to make such attempt, shall also be deemed guilty of contempt of this body, and dealt with accordingly.

Resolution read.

AMENDMENTS.

Senator Bulla offered the following amendment:

Strike out of line 1 of the resolution the words "newspaper representatives" and insert the following: "any person."

Amendment adopted.

At eleven o'clock and forty minutes A. M., Hon. S. C. Smith, Senator from the Thirty-fourth District, in the chair.

At eleven o'clock and fifty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senator Bulla moved to further amend resolution:

Strike out the following: "and any proprietor or manager of a newspaper who shall give directions or orders to any subordinate, agent, servant, or employé to make such attempt, shall also be deemed guilty of contempt of this body, and dealt with accordingly."

RECESS.

While the proposed amendment was being discussed, the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Thursday, January 19, 1899. }

The hour of twelve o'clock meridian having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker pro tem. of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Lue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Frisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kennecally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Works—79.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of yesterday.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker pro tem. of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, January 18, 1899, resulted in no election of a United States Senator, and declared that an election of Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators.....	38
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	12 votes.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Bree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—18.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Works—20.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Messrs. Brooke and Burnett—2.
For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griflin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

Whole number of votes cast by Assemblymen	78
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.

R. N. Bulla received	9 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	2 votes.
Stephen M. White received	19 votes.

The Speaker pro tem. of the Assembly, upon the completion of the roll call, announced the vote, as follows:

Whole number of votes cast	116
Necessary to a choice	59
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	2 votes.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	31 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress, and the President pro tem. of the Senate and the Speaker pro tem. of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

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R. N. Bulla received	4 votes.
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Stephen M. White received	12 votes.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jil-son, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Works—20.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Messrs. Brooke and Burnett—2.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Crowley, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

Whole number of votes cast by Assemblymen.....	78
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	18 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	20 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	2 votes.
Stephen M. White received.....	19 votes.

The Speaker pro tem. of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	116
Necessary to a choice.....	59
W. H. L. Barnes received.....	11 votes.
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D. M. Burns received.....	25 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	27 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	2 votes.
John Rosenfeld received.....	1 vote.
Thomas R. Bard received.....	2 votes.
Stephen M. White received.....	31 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Braunhart, the Joint Assembly was declared adjourned until twelve o'clock meridian of Friday, January 20, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Dwyer, the Senate was declared adjourned until ten o'clock A. M. of Friday, January 20, 1899.

IN SENATE.

SENATE CHAMBER,
Friday, January 20, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, January 19, 1899, was read.

The Journals of Monday, January 16, 1899, and Tuesday, January 17, 1899, were approved.

LEAVE OF ABSENCE.

Senator Jones was granted a leave of absence for the day, on motion of Senator Nutt.

CORRECTION OF JOURNAL.

The Journal of yesterday was ordered corrected.

SPECIAL ORDER.

The consideration of the report of the Committee on Joint Rules, proposing a set of Joint Rules for Senate and Assembly (printed in Journal of Tuesday, January 17, 1899), heretofore set as a special order for this hour, was taken up.

Senator Boyce moved to amend the proposed rules by adding thereto the following :

NO BILLS TO BE INTRODUCED AFTER FIFTIETH DAY.

No bills shall be introduced in either Senate or the Assembly after the fiftieth day of the session, excepting revenue measures; nor shall any bill be presented to the Governor for approval subsequent to the twelfth day preceding the day of adjournment *sine die*, excepting revenue bills, deficiency bills, and bills for claims against the State.

Senator Taylor moved to amend the proposed amendment by striking out all the words after the words "revenue measures."

Amendment to amendment lost.

The question recurring on the amendment offered by Senator Boyce. The ayes and noes were demanded by Senators Boyce, Bettman, and Wolfe.

The roll was called, and the motion to amend lost by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Curtin, Doty, Morehouse, Nutt, Pace, and Stratton—9.

NOES—Senators Bettman, Bulla, Chapman, Currier, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hoey, Langford, La Rue, Leavitt, Luchsinger, Maggard, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—25.

Senator Bulla moved to amend report of committee by retaining Rule XV of Joint Rules of 1897.

Amendment adopted.

Senator Burnett moved to amend report of committee by adding thereto Rules XVI, XVII, and XVIII of Joint Rules of 1897.

Amendment adopted.

Senator Dickinson moved to amend report of committee by adding thereto Rules XXI and XXII of the Joint Rules of 1897.

Amendment adopted.

Senator Dickinson moved to amend by substituting Rule XXX of the Joint Rules of 1897 for Rule XXI submitted by the committee.

Amendment adopted.

Senator Bulla moved to amend report of committee by adding thereto Rule XXXIX of the Joint Rules of 1897.

Amendment adopted.

Senator Smith moved to amend report of committee by adding thereto Subdivisions 1, 2, and 3 of Rule XL of Joint Rules of 1897.

Senator Bulla moved to amend report of committee by adding thereto Rule XLV of the Joint Rules of 1897.

The report of the committee as amended was read and adopted, as follows:

JOINT RULES.

1.—JOINT ADDRESS TO GOVERNOR.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

2.—BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

When a bill or resolution which shall have passed one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

3.—REJECTED BILLS REQUIRE FIVE DAYS' NOTICE AND TWO-THIRDS VOTE FOR REINTRODUCTION.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without notice of five days, and leave of two thirds of that House in which it shall be renewed.

4.—EACH HOUSE TO TRANSMIT PAPERS.

Each House shall transmit to the other papers, on which any bill or resolution shall be founded.

5.—DISAGREEMENT, ADHERED TO, DEFEATS THE BILL.

After each House shall have once adhered to its disagreement, a bill or resolution shall be lost.

6.—NO APPROPRIATION EXCEPT BY BILL.

No appropriation of money, for any purpose whatever, shall be made except by bill.

7.—JOINT AND CONCURRENT RESOLUTIONS.

Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both Houses of the Legislature are concurrent resolutions.

8.—JOINT RESOLUTIONS TREATED AS BILLS.

All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each House.

9.—AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

10.—BILLS READ AND REFERRED TO COMMITTEE.

When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk, and referred to a standing committee.

11.—SPECIAL FILE.

After the first day of February, 1899, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered one hour and a half after being so taken up. This rule shall not be suspended in either House except by a two-thirds vote of such house.

12.—FEES ALLOWED IN CASES OF CONTEST.

Whenever, in the Senate or Assembly, a contest is made for the seat of any Senator or Assemblyman, no more than \$200 shall be allowed as counsel fees for the sitting member and \$100 for the contesting member, regardless of who is seated.

13.—BILLS NOT TO BE PRINTED FOR ENGROSSMENT, UNLESS AMENDED.

Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

14.—MODE OF INTRODUCING AND PASSING A BILL IN EITHER THE SENATE OR ASSEMBLY.

A bill shall be presented in the following manner: When a Senator or member of the Assembly desires to introduce a bill for consideration, he shall rise in his place and address the President of the Senate (if a Senator) or the Speaker of the Assembly (if a member of the Assembly), and, if recognized by the presiding officer, shall state his desire. The bill shall then be sent to the Secretary of the Senate (if a Senate bill) or Clerk of the Assembly (if an Assembly bill), who shall number and read same, which shall be the "first reading of the bill." The President of the Senate or Speaker of the Assembly shall then assign the bill to its proper committee. The Secretary of the Senate or Clerk of the Assembly shall, after making the proper indorsements thereon, and within a reasonable time thereafter, deliver the bill to the chairman of the committee to which such bill has been assigned.

15.—AFTER BILL IS REPORTED FROM COMMITTEE.

Upon the report of the bill from the committee to the Senate or Assembly, it shall be placed upon the General File for the following day and in its regular order for second reading, unless otherwise ordered by the Senate or Assembly. (See rule for bills reported unfavorably.)

16.—SECOND READING OF BILLS.

Upon the second reading of a bill the question shall be: "Shall the bill be read a second time?" and if so ordered (and it be a Senate bill) then the Secretary of the Senate or (if an Assembly bill) the Clerk of the Assembly shall read the bill by sections, and as each section is read the President of the Senate or Speaker of the Assembly shall state the question: "Are there any amendments to this section?" at which time any Senator or member having an amendment or amendments to offer shall, upon recognition by the presiding officer, send to the Secretary's or Clerk's desk such amendment or amendments in writing. After the reading of such amendment or amendments, the question shall be upon the adoption of the same. Each amendment shall be printed in full in the Journal of the Senate or Assembly (as the case may be), and mention made whether the amendment was "adopted" or "lost."

When the Secretary of the Senate or Clerk of the Assembly shall have finished reading the bill by sections, the presiding officer shall state the question: "Are there any further amendments to the bill?" When all amendments have been submitted the question shall be: "Shall the bill be ordered engrossed and to a third reading?"

When a bill shall have been reported as correctly engrossed, it shall be placed on the General File for third reading, in the order received from the Engrossing Clerk.

17.—THIRD READING OF BILLS.

Upon the third reading of a bill the question shall be: "Shall the bill be read a third time?" and if so ordered (and if it be a Senate bill) the Secretary of the Senate or (if an

Assembly Bill) the Clerk of the Assembly shall read the bill at length, when the question shall be upon the final passage of the bill. If the bill shall have received the requisite number of votes it shall be declared "passed." The title shall then be read and approved. After the proper indorsements have been made on the bill, and the entries made in the Register of Bills kept for that purpose, the Secretary of the Senate (if it be a Senate bill) or the Clerk of the Assembly (if it be an Assembly bill) shall transmit the bill to the branch of the Legislature other than the one in which the bill was introduced, as soon thereafter as possible.

18.—CLERK TO ATTACH AMENDMENTS TO BILL.

If a Senate bill shall have been amended by the Assembly, the Clerk of the Assembly shall attach the amendments adopted by the Assembly to the Senate bill.

19.—SECRETARY TO ATTACH AMENDMENTS TO BILL.

If an Assembly bill shall have been amended by the Senate, the Secretary of the Senate shall attach the amendments adopted by the Senate to the Assembly bill.

20.—AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall report it within ten days, if received on or before January 25th, and within five days if received after January 25th, unless otherwise ordered by the Senate or Assembly.

21.—CLERK TO RETURN BILL TO SENATE.

After a Senate bill has passed the Assembly, or has been refused passage by the Assembly, the Clerk of the Assembly shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Senate, and in the Assembly message, which must accompany same, mention the action taken by the Assembly.

22.—SECRETARY TO RETURN BILL TO ASSEMBLY.

After an Assembly bill has passed the Senate, or has been refused passage by the Senate, the Secretary of the Senate shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Assembly, and in the Senate message, which must accompany same, mention the action taken by the Senate.

23.—TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

24.—WHEN AMENDMENTS ARE CONCURRED IN.

If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments, and the bill shall be ordered to enrollment.

25.—WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

26.—COMMITTEE ON CONFERENCE.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective Houses.

27.—FREE CONFERENCE COMMITTEE.

If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, but such amendments made by such committee shall be attached to the bill.

The report of a Committee on Free Conference shall be final, and must be accepted as such.

28.—WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed, and shall be determined without debate.

29.—MESSAGES MUST BE ANNOUNCED BY THE ASSISTANT SERGEANT-AT-ARMS.

When a message shall be sent from either House it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

30.—SECRETARY, CLERK, ETC., TO CARRY MESSAGES.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

31.—NOTICES TO BE ON PAPER, UNDER PROPER SIGNATURE.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

32.—ENROLLED BILLS TO RECEIVE SIGNATURE OF THE PROPER OFFICER.

After a bill shall have passed both Houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly, or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

33.—ENROLLING COMMITTEE TO COMPARE.

When bills are enrolled they shall be reexamined by the Enrolling Committee of the House in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

34.—PRESIDENT AND SPEAKER TO SIGN BILLS.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

35.—ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

After a bill shall have thus been signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated.

36.—ORDERS, RESOLUTIONS, AND VOTES TO BE APPROVED AS ARE BILLS.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

37.—THE DAILY FILE SHALL BE AS FOLLOWS.

1. All bills making appropriations for the State Government.
2. Third reading of bills.
3. Second reading of bills.

38.—DAILY HISTORY OF BILLS, ETC.

There shall be printed daily, by both the Senate and Assembly, a History of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the House, up to the day preceding the publication of such History. A regular form shall be prescribed, and no other form shall be used.

39.—SECRETARY AND CLERK TO KEEP REGISTER.

The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

40.—SECRETARY AND CLERK SHALL INDORSE BILLS.

The Secretary of the Senate and Clerk of the Assembly shall indorse, on every original bill, a statement of any action taken by the Senate and Assembly.

41.—BILLS TO BE DISTRIBUTED THREE HOURS BEFORE CONSIDERATION.

No bill shall be placed upon final passage until it shall have been printed and distributed at least three hours previous to the consideration of same; and the Sergeant-at-Arms shall keep, in a book provided for that purpose, a record of the hour of distribution of all bills.

42.—ADJOURNMENT SINE DIE.

An adjournment *sine die* shall only be made by concurrent resolution.

43.—DISPENSING WITH JOINT RULES.

No Joint Rule shall be dispensed with except by vote of two thirds of each House; and if either House shall violate a Joint Rule a question of order may be raised in the other House and decided in the same manner as in the case of the violation of the rules of such House; and if it shall be decided that the Joint Rules have been violated, the bill involving such violation shall be returned to the House in which it originated, without further action. Or, at the option of such House, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

On motion of Senator Boyce, the Secretary was directed to arrange rules in proper order and to renumber the same.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 20, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 88 An Act for the suppression of bucket-shops and gambling in stocks, bonds, petroleum, cotton, grain, provisions, or other produce—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Education and Public Morals.

SIMPSON, Chairman.

There being no objection, Senate Bill No. 88 was referred to Committee on Education and Public Morals.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 20, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 75—An Act making an appropriation to pay the claim of J. W. Sibole—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DICKINSON, Chairman.

Senate Bills Nos. 59 and 75 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 20, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 19—An Act repealing an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 239—An Act to repeal an Act entitled "An Act for the establishment of a uniform system of road government and administration in the counties of the State of California," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

CUTTER, Chairman.

Under the rules, Senate Bill No. 11 was referred to Committee on Finance and Claims.

Senate Bill No. 19 ordered on file for second reading.

Senator Langford asked unanimous consent to withdraw Senate Bill No. 239.

Consent granted.

Bill withdrawn and ordered stricken from file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 19, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 23—An Act to provide for the nomination of candidates for public office, the selection of delegates to national conventions, and the transaction, settlement, and control of certain affairs of political parties or organizations, by and through political conventions composed of delegates chosen at general primary elections, or their proxies, and to regulate the conduct of such elections, and define and provide for definite political committees to coöperate therein, and to enforce said method of making such nominations.

Also: Senate Bill No. 30—An Act concerning elections and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections.

Have had the same under consideration, and respectfully report the same back, and recommend that said bills be referred to Committee on Elections.

GILLETTE, Chairman.

There being no objection, Senate Bills Nos. 23 and 30 were referred to Committee on Elections.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, joint resolutions, concurrent resolutions, and constitutional amendments were introduced:

By Senator Davis: Senate Bill No. 301—An Act entitled an Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 302—An Act to create a special fund to be known as the "State Débris Construction Fund," and to transfer from the General Fund to such State Débris Construction Fund the sum of \$250,000.

Read first time, and referred to Committee on Mines, Drainage, and Débris.

By Senator La Rue: Senate Bill No. 303—An Act relating to the disposition of moneys belonging to deceased inmates of public institutions supported in whole or in part by State aid and under the control of boards appointed by the Governor.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 304—An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled an Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the home of the Veterans' Home

Association, approved March 7, 1883, providing for an increase to the annual appropriation thereof, and changing the time for the payment thereof." approved March 23, 1893, reducing the amount of such appropriation per capita.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 305—An Act to amend Sections 8 and 10 of an Act entitled "An Act to accept from the Veteran's Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veteran's Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State." approved March 11, 1897.

Read first time, and referred to Committee on Judiciary.

By Senator Simpson: Senate Bill No. 306—An Act to prevent Sabbath desecration, and to secure a weekly rest day.

Read first time, and referred to Committee on Education and Public Morals.

Also: Senate Bill No. 307—An Act entitled "An Act amending Section 204 of the Code of Civil Procedure of the State of California, concerning the selecting and returning of jurors."

Read first time, and referred to Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 308—An Act to establish a uniform system of county and township governments.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Dwyer (by request): Senate Bill No. 309—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, "An Act to create and administer a public school teacher's annuity and retirement fund in the several counties, and cities and counties, in the State," as amended by an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled an Act to create and administer a public school teacher's annuity and retirement fund in the several counties, and cities and counties, in the State."

Read first time, and referred to Committee on Education and Public Morals.

By Senator Sims: Senate Bill No. 310—An Act to amend Section 5 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State; for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever," and to repeal an Act approved March 9, 1885, entitled "An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks"; also, to repeal an Act approved March 15, 1887, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State."

Read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 311—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Curtin: Senate Bill No. 312—An Act to amend Section

1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 313—An Act to enable corporations owning property in foreign countries to dispose of the same.

Read first time, and referred to Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 314—An Act to prevent adulteration, fraud, and deception in the manufacture and sale of articles of food; to enlarge the powers of the State Dairy Bureau; to secure its enforcement, and to appropriate money therefor.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Maggard: Senate Bill No. 315—An Act for the prevention and eradication of contagious and infectious diseases among domestic animals, to prevent the spread of such diseases, and to quarantine diseased animals or infected districts, and appropriating money for carrying out the provisions of this Act.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Hall: Senate Bill No. 316—An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact casualty insurance business in the State of California.

Read first time, and referred to Committee on Corporations.

By Senator Bulla: Senate Bill No. 317—An Act to add a new section to the Penal Code, to be numbered 180, relating to bringing into any State prison, or State reformatory, or within the grounds of such institution, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquors of any kind whatever, or firearms, weapons, or explosives of any kind, for any inmate imprisoned therein, and providing a penalty therefor.

Read first time, and referred to Committee on State Prisons and Prison Buildings.

By Senator Stratton: Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California for loss of merchandise by the collapse of a portion of pier 9 in the City and County of San Francisco, California.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 319—An Act authorizing the insurance of all property of the University of California held for purposes of income against damages or loss.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Cutter: Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 321—An Act to amend Sections 354, 1489, 1492, 1497, and 1501 of the Political Code, relating to State Normal Schools.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Smith: Senate Bill No. 322—An Act authorizing women to vote at school elections, and defining the qualifications of such voters. Read first time, and referred to Committee on Elections.

By Senator Taylor: Senate Bill No. 323—An Act to appropriate money to pay the Directors of the Deaf, Dumb, and Blind Asylum for the grading and curbing of Warring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy H. Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

Read first time, and referred to Committee on Finance and Claims.

By Senator Curtin: Senate Bill No. 324—An Act appropriating ten thousand dollars (\$10,000) to pay the claim of Addie McGinness.

Read first time, and referred to Committee on Finance and Claims.

By Senator Stratton: Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated college.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 326—An Act to amend the title to an Act entitled "An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund," to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled "An Act to appropriate money to reimburse the University of California for money heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes," and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893, approved March 3, 1893, to amend Section 4 of the same Act, and to appropriate the sum of \$16,747 50 now in the University Fund and unavailable.

Read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Joint Resolution No. 13—Relating to the early passage and approval of that certain bill now pending in the House of Representatives at Washington known as "House Bill No. 5861."

Referred to Committee on Federal Relations and Immigration.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Senate Bill No. 31—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Read second time, ordered engrossed, and on file for third reading.

At eleven o'clock and thirty-five minutes A. M., Hon. S. C. Smith, Senator from the Thirty-fourth District, in the chair.

Senate Bill No. 40—An Act to create an Exempt Fireman's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and service as firemen of such exempt firemen.

Read second time (still open for amendment), and, on motion of Senator Bulla, ordered re-referred to the Committee on Municipal Corporations.

At eleven o'clock and forty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 79—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Read second time, and ordered restored to second-reading file for purpose of amendment.

FURTHER CONSIDERATION OF FILE POSTPONED.

Senator Bulla moved that the further consideration of Senate Daily File be postponed for the day, and that the following:

Senate Joint Resolution No. 8—Relative to the irrigation of arid lands; Senate Joint Resolution No. 9—Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or in lieu thereof, the permission of pasturage of sheep in said portion thereof for the year 1899; Senate Joint Resolution No. 10—Relative to construction and ownership of Nicaragua Canal—

Be made a special order for consideration on Saturday, January 21, 1899, immediately after reading of the Journal.

So ordered.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 20, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names.

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barée, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—79.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of yesterday.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, January 19, 1899, resulted in no election of a United States Senator, and declared that an election of Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Irving M. Scott—Senator Davis—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	4 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Irving M. Scott received.....	1 vote.
Thomas R. Bard received.....	2 votes.
Stephen M. White received.....	12 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	78
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	19 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	115
Necessary to a choice	58
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	31 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION TO ADJOURN.

Assemblyman O'Brien moved that the Joint Assembly adjourn until Saturday, January 21, 1899, at twelve o'clock meridian.

Motion to adjourn lost.

The President pro tem. of the Senate and the Speaker of the Assembly directed that the Joint Assembly do now proceed to another ballot.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senator Davis—1.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes.
U. S. Grant Jr. received	7 votes.
Irving M. Scott received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	12 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muenther—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Burnett, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	77
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr. received	20 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	18 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	114
Necessary to a choice	58
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr. received	27 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	30 votes.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Assemblyman Belshaw, the Joint Assembly was declared adjourned until twelve o'clock M. of Saturday, January 21, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

Quorum present.

CLERKS TO REPORT AT DESK.

On motion of Senator Dickinson, the several committee clerks are required to report at the Secretary's desk at nine o'clock and thirty minutes A. M. of Saturday, January 21, 1899, for instructions and assignment.

ADJOURNMENT.

At twelve o'clock and fifty minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until ten o'clock A. M. of Saturday, January 21, 1899.

IN SENATE.

SENATE CHAMBER,
Saturday, January 21, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boggs, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, and Trout—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING AND APPROVAL OF JOURNALS.

The Journal of Friday, January 20, 1899, was read.

The Journal of Wednesday, January 18, 1899, was approved.

LEAVE OF ABSENCE.

Senator Stratton was granted a leave of absence for the day, on motion of Senator Taylor.

Senator Dwyer was granted a leave of absence for the day, on motion of Senator Braunhart.

Senator Jones was granted a leave of absence for the day, on motion of Senator Nutt.

Senator Boggs, on account of sickness, was granted an indefinite leave of absence, on motion of Senator Morehouse.

SPECIAL ORDERS.

The consideration of the following three joint resolutions, heretofore set as special orders for this hour, was proceeded with:

SENATE JOINT RESOLUTION No. 10.

Relative to construction and ownership of the Nicaragua Canal.

WHEREAS, The construction of the Nicaragua Canal would be of immense value to the people of the Pacific Coast, and especially to the people of the State of California, as it would afford greater protection to this coast in time of war, open new lines of trade and commerce in time of peace, tend to cheapen transportation to foreign and Atlantic seaboard markets, build up new enterprises everywhere within our State, and largely tend to maintain old ones, greatly increase our population, and thus enhance our wealth and multiply our resources, and establish a shorter line of oceanic communication between the United States and its possessions in the Orient; and

WHEREAS, There is now pending in the Congress of the United States a measure providing for the construction of the Nicaragua Canal by, or under the auspices of, the United States Government;

Resolved by the Senate of the State of California, the Assembly thereof concurring, That our Senators in Congress be instructed, and our members of the House of Representatives of the United States be requested, to earnestly support the passage of this measure; and be it further

Resolved, That we favor the absolute ownership and control of the said Nicaragua Canal by the United States Government, if within the power of said Government to own and control the same;

Resolved, That His Excellency the Governor is hereby requested to forward to each of our Senators and Representatives in Congress a copy of this resolution.

Joint resolution read.

Senator Braunhart moved to amend resolution by striking out the words:

If within the power of said government to own and control the same.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Braunhart, La Rue, and Curtin.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Gillette, Hall, Laird, La Rue, Luchsinger, Nutt, Pace, Prisk, Simpson, and Sims—18.

NOES—Senators Boyce, Bulla, Currier, Cutter, Feeney, Flint, Hoey, Leavitt, Maggard, Morehouse, Rowell, Shortridge, Smith, Taylor, Trout, and Wolfe—16.

Senate Joint Resolution No. 10 ordered to print and on file for adoption.

SENATE JOINT RESOLUTION No. 9.

Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or, in lieu thereof, the permission of pasturage of sheep in said portion thereof for the year 1899.

On motion of Senator Bulla, the above resolution and committee substitute therefor were re-referred to the Committee on Federal Relations and Immigration; the chairman to set, and have announced from Sec-

retary's desk, the time for committee discussion of the joint resolution, which resolution is to retain its place on file.

SENATE JOINT RESOLUTION No. 8.

Relative to the irrigation of arid lands.

WHEREAS, There are many thousand acres of land within the confines of the State of California that are at present lying idle, uninhabited, and of no assessable value; and

WHEREAS, A supply of water for irrigating purposes would render these lands susceptible of the highest cultivation, and a source of revenue to the Government; and

WHEREAS, The expense of securing such a supply of water by the building of storage reservoirs is far beyond the means of the State, and as the result of such work is of great value to the Federal Government, in reclaiming and making salable large tracts of said land, and thereby making them a source of revenue; and

WHEREAS, The money necessary for such work should properly be appropriated by Congress; now, therefore, be it

Resolved by the Senate of the State of California and the Assembly, jointly, That our Senators in Congress be instructed, and our representatives be earnestly requested, to use their best endeavors to secure an appropriation from the Federal Government to provide for the necessary surveys and estimates for the diverting of rivers and streams and the construction of reservoirs for the storage of water, in order that some of our lands, at present arid and worthless, may be irrigated, and thereby rendered suitable for cultivation and a source of revenue to the United States, as well as to the State of California;

Resolved, That the Secretary of the Senate be directed to transmit to each of our Representatives and Senators in Congress a copy of these resolutions.

Joint resolution read.

The roll was called, and Senate Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—32.

NOES—None.

Resolution ordered transmitted to Assembly without delay.

RESOLUTION.

Senator Boyce offered the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby instructed to procure for the use of the Senate committees an additional ten dozen globe files and one dozen perforators for same. The Controller is hereby directed to draw his warrant for the sum of \$126 for the payment of the same, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 20, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to purchase for the use of the committees named below the following supplies, the same to be paid for out of the contingent expenses of the Senate:

For County Government and Township Organization, 9 copies Henning's County Government.

For Municipal Corporations, 9 copies Finlayson's Street Law.

For Banks and Banking, 5 copies Magee's State Banks and Bank Officers.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted

FLINT, Chairman.

On motion, the report of the committee was adopted.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant for \$15, payable from the Contingent Fund of the Senate, to be used as a revolving fund for purchase of stamps, envelopes, and wrappers, at the Senate Postoffice, said amount to be returned to the Contingent Fund of the Senate prior to final adjournment.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Boyce, Bulla, Burnett, Currier, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Taylor, and Trout—23.

NOES—Senator Sims—1.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage recommend the adoption of the following resolution:

That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of \$417 90, in payment of the several bills hereto attached, and the Treasurer is directed to pay the same.

Jan. 10—To Day & Joy	\$2 25
19—To John Breuner	20 25
20—To John Breuner	9 75
13—To F. R. Pulford	15 15
3—To F. R. Pulford	14 15
13—To F. R. Pulford	13 85
18—To F. R. Pulford	7 55
18—To John Breuner	8 25
16—To John Breuner	356 70

FLINT, Chairman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, and Trout—31.

NOES—None.

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 20, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 12—Relating to the removal of a shoal existing now in San Pablo Bay—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

LEAVITT, Chairman.

SUSPENSION OF THE RULES.

On motion of Senator Luchsinger, the rules were suspended for the purpose of amending Senate Joint Resolution No. 12.

Resolution read.

Senator Luchsinger moved to amend as follows:

Strike out the words "Lime Point," on line 4 of first preamble, page 1 of printed bill, and insert in lieu thereof the following: "Lone Tree Point."

Amendment adopted.

Senate Joint Resolution No. 12, as amended, ordered to print and on file for adoption.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 21, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SIMPSON, Chairman.

Senate Bill No. 72 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 21, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1—An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GILLETTE, Chairman.

Senate Bill No. 1 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 4—Relative to improvement of Humboldt Bay.

C. W. KYLE, Chief Clerk of the Assembly.
H. S. WANZER, Assistant.

Senate Joint Resolution No. 4 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 3—Relative to the Vallejo charter.

Also: Adopted Senate Joint Resolution No. 6—Relative to the construction of navy yards and ship building.

C. W. KYLE, Chief Clerk of the Assembly.

Senate Concurrent Resolution No. 3 and Senate Joint Resolution No. 6 ordered to enrollment.

RESOLUTION.

Senator Luchsinger offered the following resolution, and moved its adoption:

Resolved, That the Secretary of the Senate be and he is hereby directed to telegraph to George C. Perkins, United States Senator, and Samuel G. Hilborn, Congressman, the fact of the adoption of Senate Joint Resolution No. 6, and to inform them of the substance of said Senate Joint Resolution No. 6.

Resolution read and adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, joint resolutions, concurrent resolutions, and constitutional amendments were introduced:

By Senator Shortridge: Senate Bill No. 327—An Act providing for liens upon horses and other animals for the cost of shoeing the same.

Read first time, and referred to Committee on Judiciary.

By Senator Simpson (by request): Senate Bill No. 328—An Act to amend an act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct

the disposition of the proceeds," approved March 23, 1893, and an Act amendatory thereof, approved March 9, 1897.

Read first time, and referred to Committee on Judiciary.

By Senator Maggard: Senate Bill No. 329—An Act to amend Section 2756 of the Civil Code, relating to the measure of indemnity in a fire insurance policy.

Read first time, and referred to Committee on Corporations.

By Senator Leavitt: Senate Bill No. 330—An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$250,000.

Read first time, and referred to Committee on Finance and Claims.

By Senator Boyce: Senate Bill No. 331—An Act creating a Bureau of Child Study, fixing its duties, and providing for permissive physical examinations by Boards of School Trustees and City Boards of Education, and a discretionary classification of pupils in accordance therewith.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Hall: Senate Bill No. 332—An Act to regulate the transportation of perishable fruits, goods, or merchandise, by express or transfer companies.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 333—An Act to amend Section 1857 of the Political Code, relating to public schools.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Braunhart: Senate Bill No. 334—An Act to provide for the assessment, levy, and collection of an income tax.

Read first time, and referred to Committee on Judiciary.

By Senator Rowell: Senate Bill No. 335—An Act providing for special funds for the payment of teachers' salaries in school districts of this State, and defining the duties of School Trustees, Boards of Education, Auditors, and Treasurers in relation thereto.

Read first time, and referred to Committee on Education and Public Morals.

CONSIDERATION OF DAILY FILE.

Senate Bill No. 79—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Passed on file.

Senate Bill No. 96—An Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

During the second reading of bill, Senator Smith moved to amend as follows:

From line 8 of Section 1 of printed bill strike out the word "high."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and on file for third reading.

At eleven o'clock and forty-five minutes A. M., Hon. S. C. Smith, Senator from the Thirty-fourth District, in the chair.

Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace.

During the second reading of bill, Senator Bulla moved that the bill be re-referred to the Committee on Municipal Corporations for the purpose of drawing up amendments, so that bill will refer to cities according to their class, and not their population.

Senator Boyce moved as an amendment that the bill be referred to the Committee on Judiciary.

Amendment lost.

Motion of Senator Bulla carried, and bill ordered re-referred to committee.

RE-REFERENCE OF BILL.

On motion of Senator Nutt, Senate Bill No. 172—An Act to amend an Act entitled "An Act to amend Section 103 of the Code of Civil Procedure of the State of California," approved March 31, 1891, relative to Justices' Courts—was ordered withdrawn from Committee on Judiciary and referred to Committee on Municipal Corporations.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 76—An Act to prevent deception in the manufacture and sale of butter in packages known as "short weight," and to prevent deception in the use of designs or brands.

During the second reading of bill, the following amendments were submitted:

By Senator Burnett:

Amend Section 5, lines 6 and 7, printed bill, by striking out the words "to be added to the amount appropriated for the use of the State Dairy Bureau."

Amendment adopted.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

By Senator Bulla:

Amend by striking out all of Section 3 except first two lines, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 21, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and

manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—35.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barge, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, White, Works, and Mr. Speaker—75.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of yesterday.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, January 20, 1899, resulted in no election of a United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, and Morehouse—3.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Maggard, Nutt, Smith, and Trout—6.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Thomas R. Bard—Senators Flint and Rowell—2.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Hall, La Rue, Face, Prisk, and Sims—10.

Whole number of votes cast by Senators	34
W. H. L. Barnes received	3 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	6 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	10 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKee, Miller of San Francisco, Eugene Sullivan, and Wright—15.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merritt, Milice, Radeliff, Raub, Raw, and Works—18.

For Irving M. Scott—Mr. Dunlap—1.

For Stephen M. White—Messrs. Boone, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, E. D. Sullivan, and White—17.

For Marion De Vries—Mr. Brooke—1.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	71
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	15 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	18 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	17 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	105
Necessary to a choice	53
W. H. L. Barnes received	10 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	22 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	24 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Thomas R. Bard received	2 votes.
Stephen M. White received	27 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., Senator Taylor moved that the Joint Assembly do now adjourn.

Motion carried.

Whereupon the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Monday, January 23, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and fifty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braumhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Flint, Giffente, Harsh, La Rue, Leavitt, Lumsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—31.

Quorum present.

On motion of Senator Bulla, Assembly messages were taken up for consideration.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were read:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 11—Relative to construction of Nicaragua Canal, to be owned by the United States.

Also: Amended, and passed as amended, Senate Bill No. 199—An Act to amend sections 245, 246 and 247 of the Political Code relating to the officers and employees of the Legislature—and respectfully request your concurrence to Assembly amendment.

C. W. KYLE, Chief Clerk.

H. S. WANZER, Assistant Chief Clerk.

Assembly Joint Resolution No. 11 referred to Committee on Federal Relations and Immigration.

The question being on concurrence by the Senate in the following Assembly amendments to Senate Bill No. 199:

Amend Section 1 by inserting a comma after the words "sergeant-at-arms," in line 10 of said section, in the printed copy of the bill.

Strike out the words "two said," in line 9 of Section 2 of the printed copy of the bill, and insert in lieu thereof "said bookkeeper to."

Insert after the word "two," in line 13, Section 2, of the printed copy of the bill, the word "additional."

Strike out the word "two," in line 20, Section 2, of the printed copy of the bill, and insert in lieu thereof the word "four."

After the word "electrician," in line 28, Section 2, of the printed copy of the bill, insert the words "one janitress."

After the word "Assembly" in line 30, Section 2, of the printed copy of the bill, strike out all of the period and insert a comma, and add the following: "provided that all appointments by the speaker shall be first printed in the Journal, and lie over one day before being acted upon by the Assembly. Any of the said officers and employees, excepting the speaker and speaker pro tem., may be removed at any time by the Assembly."

Beginning with and including line 24, Section 3, of the printed copy of the bill, strike out all of the remainder of said section, and insert in lieu thereof the following: "To the Clerk, eight dollars per day; to the Assistant Clerks, Sergeant-at-Arms, Minute Clerk, Assistant Minute Clerks, Journal Clerk, Engraving and Binding Clerk, File Clerk, and History Clerk, each six dollars per day; to the Assistant Sergeant-at-Arms, Bookkeeper to Sergeant-at-Arms, Clerk to Sergeant-at-Arms, Assistant Journal Clerk,

Assistant Engrossing and Enrolling Clerks, and Stenographers, each five dollars per day; to the Committee Clerks (except that one Clerk of the Ways and Means Committee and one Clerk of the Judiciary Committee shall each receive six dollars per day), Chaplain, Bill Clerk, Assistant Bill Clerks, Postmaster, Assistant Postmaster, Bill Filers, Engineer, and Electrician, each four dollars per day; to the Mail Carrier, Gatekeepers, Doorkeepers, Messenger to the Printer, Porters, Elevator Attendant, Fireman, Sergeant-at-Arms for the Ways and Means Committee, Sergeant-at-Arms for the Judiciary Committee, Janitress, and Watchmen, each three dollars per day; to each Page, two dollars and fifty cents per day."

Strike out of lines 34 and 35, Section 2, printed copy of bill, the words "excepting the Speaker and Speaker pro tem."

The President pro tem. thereupon put the question: "Shall the Senate concur in the Assembly amendments to Senate Bill No. 199?"

The roll was called, and the Senate concurred in the Assembly amendments by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Currier, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—27.

NOES—None.

Senate Bill No. 199 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 5—Relative to the leper colony of Molokai, H. I.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

Assembly Joint Resolution No. 5 referred to Committee on Federal Relations and Immigration.

ADJOURNMENT.

At one o'clock and ten minutes P. M., on motion of Senator Bulla, the Senate was declared adjourned until eleven o'clock and thirty minutes A. M. of Monday, January 23, 1899.

IN SENATE.

SENATE CHAMBER,

Monday, January 23, 1899. }

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, January 21, 1899, was read.

The Journal of Thursday, January 19, 1899, was approved.

LEAVE OF ABSENCE.

Senator Jones was granted a leave of absence for the day, on motion of Senator Taylor.

Senator Pace was granted a leave of absence for the day, on motion of Senator Bettman.

Senator Leavitt, on his own motion, was granted a leave of absence for Tuesday, January 24, 1899.

SPECIAL ORDERS.

The consideration of the following joint resolutions, heretofore set for this hour, was proceeded with:

SENATE JOINT RESOLUTION No. 10.

Relative to construction and ownership of the Nicaragua Canal.

WHEREAS, The construction of the Nicaragua Canal would be of immense value to the people of the Pacific Coast, and especially to the people of the State of California, as it would afford greater protection to this coast in time of war, open new lines of trade and commerce in time of peace, tend to cheapen transportation to foreign and Atlantic seaboard markets, build up new enterprises everywhere within our State, and largely tend to maintain old ones, greatly increase our population, and thus enhance our wealth and multiply our resources, and establish a shorter line of oceanic communication between the United States and its possessions in the Orient; and

WHEREAS, There is now pending in the Congress of the United States a measure providing for the construction of the Nicaragua Canal by, or under the auspices of, the United States Government;

Resolved by the Senate of the State of California, the Assembly thereof concurring, That our Senators in Congress be instructed, and our members of the House of Representatives of the United States be requested, to earnestly support the passage of this measure; and be it further

Resolved, That we favor the absolute ownership and control of the said Nicaragua Canal by the United States Government;

Resolved, That His Excellency the Governor is hereby requested to forward to each of our Senators and Representatives in Congress a copy of this resolution.

Senate Joint Resolution No. 10 having been read on a previous day, the question was on its adoption.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

On motion of Senator Bulla, the above resolution was ordered transmitted to the Assembly without delay.

Senate Joint Resolution No. 9—Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or, in lieu thereof, the permission of pasturage of sheep in said portion thereof for the year 1899.

Passed on special-order file, pending the report of the Committee on Federal Relations and Immigration.

RECALL OF BILL.

Senator Cutter moved that the Committee on Enrolled and Engrossed Bills return, for the purpose of correction and amendment, to the Secretary of the Senate, Senate Bill No. 199—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature.

Motion carried.

COMMUNICATION.

The following communication was read, and, on motion of Senator Dickinson, ordered printed in the Journal:

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS, {
SAN FRANCISCO, January 19, 1899. }

Hon. JACOB H. NEFF, *President Senate, Sacramento, Cal.*:

DEAR SIR: I have the honor to transmit herewith copy of Resolution No. 2248 (Fourth Series), adopted by the Board of Supervisors of the City and County of San Francisco at a meeting held on January 16, 1899, to which your attention is respectfully called.

Very respectfully,

JNO. A. RUSSELL, Clerk.

RESOLUTION No. 2248 (FOURTH SERIES).

WHEREAS, It is contemplated that an exposition of the products and industries of this State, the United States, and other countries be held to commemorate the fiftieth anniversary of our admission as a State into the Union; and

WHEREAS, In consequence of the Paris Exposition being held in the year 1900, as well as the time required to select a proper location and provide for the erection of suitable buildings for the exposition in this city and county, and to give sufficient time to all exhibitors throughout the United States and elsewhere, it is proposed to have the said exposition opened in or about June, 1901, and continued until December of the same year; and

WHEREAS, His Honor the Mayor has appointed a committee of citizens to prepare a plan for said exposition to show the resources of this and tributary States on the Pacific Slope and of the countries in the Pacific Ocean, notably the Hawaiian and Philippine islands; and

WHEREAS, The advantages and benefits to accrue to this State are incalculable, as the attention of the civilized world will be called to the extraordinary productions of this and other States as well as to its varied industries, and will open up a large field in connection with our foreign possessions, to stimulate enterprise and build up this State and the Pacific Slope; and

WHEREAS, The creation of the California Midwinter Fair, in spite of all opposition, and its success, demonstrated that such enterprises should be liberally patronized and assisted when designed to benefit the State; and

WHEREAS, The fact that such an exposition of our industries and resources, with all the natural wonders and attractions of this coast and of the Hawaiian and Philippine islands, will attract numbers of persons to visit and inspect for themselves the advantages to be reaped by proper and judicious investments; therefore,

Resolved, That the Legislature of this State be and is hereby respectfully requested to give this proposed exposition their earnest attention and support, and to that end to provide in aid of that enterprise a sum not less than \$250,000, in order that this project may be suitably indorsed and assisted;

Resolved, That the Legislature of this State is respectfully requested to pass a statute empowering each county in the State to provide such an amount as may in the judgment of its governing body be proper in the premises, to be provided by the tax levy of each year and to raise one third of the amount each and every fiscal year, commencing on and from the fiscal year 1899-1900, and continuing for the fiscal years 1900-1901 and 1901-1902;

Resolved, That this city and county, appreciating and realizing the benefits to be derived by holding such an exposition in this city and county, will, whenever legislative power and authority is obtained, agree to levy and raise the sum of \$750,000 in the manner and at the times heretofore recited, so that the same can be applied in carrying out the object and intent of this resolution.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 23, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed: Senate Bill No. 31—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Also: Senate Bill No. 96—An Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

Also: Senate Bill No. 76—An Act to prevent deception in the manufacture and sale of butter in packages known as "short weight," and to prevent deception in the use of designs or brands.

SHORTDRIDGE, Chairman.

Senate Bills Nos. 31, 96, and 76 ordered on file for third reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 23, 1899.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 277—An Act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United States Volunteer service, in reorganizing the National Guard, and resulting therefrom, and making an appropriation to pay the same—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

LAIRD, Chairman.

Senate Bill No. 277, with accompanying substitute, ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and joint resolutions were introduced:

By Senator Bulla: Senate Bill No. 336—An Act to amend Section 592 of the Penal Code of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 337—An Act to add a new section to the Penal Code of the State of California.

Read first time, and referred to Committee on Judiciary.

By Senator Hall: Senate Bill No. 338—An Act for the protection and propagation of shrimps.

Read first time, and referred to Committee on Forestry, Fish, and Game.

By Senator Langford: Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 340—An Act to repeal an Act entitled "An Act to create a Department of Highways of the State of California, to define its duties and powers, to provide for the appointment of employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897.

Read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 341—An Act providing for the creation of a

State Board of Public Works for the State of California, and to define the duties of the same.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator Wolfe: Senate Bill No. 342—An Act to amend Section 1033 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service and affidavit of bill of costs and motion to retax same.

Read first time, and referred to Committee on Judiciary.

By Senator Dwyer (by request): Senate Bill No. 343—An Act creating a Board of State Charities and prescribing its duties and powers.

Read first time, and referred to Committee on Judiciary.

By Senator Sims: Senate Bill No. 344—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 1204, 1211, and 1260 thereof, relating to elections.

Read first time, and referred to Committee on Elections.

By Senator Wolfe: Senate Joint Resolution No. 14—Relative to the return of the First Regiment of California Infantry of United States Volunteers to their homes and families without delay.

Referred to Committee on Federal Relations.

ANNOUNCEMENT.

The President pro tem. announced that Senate Bill No. 199 was at the Secretary's desk.

SUSPENSION OF RULES.

On motion of Senator Cutter, the rules were suspended for the purpose of reconsidering Senate Bill No. 199—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employés of the Legislature.

RECONSIDERATION OF VOTE.

Senator Cutter moved that the vote whereby Senate Bill No. 199 was finally passed be reconsidered.

Senate Bill No. 199 was reconsidered by unanimous consent.

COMMITTEE AMENDMENTS.

Senator Cutter moved that Senate Bill No. 199 be referred to Senator Smith, as a special committee of one, with instructions to amend the same as follows:

Strike out all of Section 1 after the words "two Press Mailing Clerks," in line 31, page 2, of the printed bill, and insert: "And only such other officers or employés as the Senate, by a three-fifths vote of all the members-elect, shall deem necessary. Any officer or employé appointed or elected under the provisions of this section, may at any time be removed by the Senate."

Also: Strike out all of Section 2 after the words "and one Elevator Attendant," line 28, page 3, of the printed bill, and insert: "And only such other officers or employés as the Assembly, by a three-fifths vote of all the members elect, shall deem necessary. Any officer or employé appointed or elected under the provisions of this section may at any time be removed by the Assembly."

Motion carried.

REPORT OF SPECIAL COMMITTEE ON EMPLOYÉS.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 199—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employés of the Legislature—with instructions to amend, respectfully reports the same back, amended as suggested by the Senate.

SMITH, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and on file for passage.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 23, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, De Lancia, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Grillin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead,

Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—78.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Saturday, January 21, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Saturday, January 21, 1899, resulted in no election of a United States Senator, and declared that an election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Leavitt, Shortridge, and Wolfe—6.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Maggard, Nutt, Smith, and Trout—6.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Stephen M. White—Senators Ashe, Brauhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Prisk, and Sims—11.

Whole number of votes cast by Senators	85
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	6 votes.
U. S. Grant, Jr., received	6 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	11 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Pierce, Rickard, Eugene Sullivan, and Wright—18.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Grillin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	78
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	19 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast.....	113
Necessary to a choice	67
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	24 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	26 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Thomas R. Bard received	2 votes.
Stephen M. White received	30 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Davis, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Tuesday, January 24, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

ROLL CALL.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Simpson, the Senate was declared adjourned until ten o'clock A. M. of Tuesday, January 24, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 24, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING AND APPROVAL OF JOURNALS.

The Journal of Monday, January 23, 1899, was read.
The Journal of Friday, January 20, 1899, was approved.

RECEIPT OF ELECTION CONTEST PAPERS.

The President pro tem. announced that he had been forwarded, and had received, papers contesting the election of R. Porter Ashe as a State Senator from the Twenty-fourth Senatorial District—Leon Denery, contestor.

There being no objection, the papers were referred to Committee on Elections.

SPECIAL ORDER.

The consideration of Joint Resolution No. 9, heretofore set for this hour, was proceeded with.

Pending the reading of the joint resolution, the following report of committee was received and read:

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 24, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was re-referred Senate Joint Resolution No. 9, and committee substitute for the same—relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or, in lieu thereof, the permission of pasturage of sheep in said portion thereof for the year 1899—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute be withdrawn and that Senate Joint Resolution No. 9 be adopted as amended by committee.

LEAVITT, Chairman.

Senate Joint Resolution No. 9—Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or, in lieu

thereof, the permission of pasturage of sheep in said portion thereof for the year 1899.

Senate Joint Resolution No 9 read.

The following committee amendments were submitted:

Amend by striking out the whole of preamble 3, printed bill, and insert in lieu thereof the following:

"WHEREAS, The destruction of timber or undergrowth in said portion of the Stanislaus forest reserve is impossible because said reserve is not covered with great forests of timber, and forest fires are impossible on account of the lateness of the disappearance of snow in that section."

Also: Amend by adding to said resolution the following:

"Resolved, That a copy of this resolution be immediately forwarded, by mail, by the Secretary of the Senate to our representatives in Congress."

Senate Joint Resolution No. 9 ordered to print, with proposed amendments, and to retain its place on special-order file for consideration after reading of the Journal.

Senator Cutter asked unanimous consent for the introduction and first reading of a bill.

Unanimous consent granted.

INTRODUCTION AND FIRST READING OF BILL.—(OUT OF ORDER).

The following bill was introduced:

By Senator Cutter: Senate Bill No. 345—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature.

Read first time, and withheld temporarily for further action.

RESOLUTION.

Senator Cutter offered the following resolution, and moved its adoption:

Resolved, That Senate Bill No. 345 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

The roll was called, and the resolution making Senate Bill No. 345 a case of urgency was adopted by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Burnett, Currier, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—27.

NOES—Senators Langford, La Rue, Pace, and Sims—4.

CASE OF URGENCY—SECOND READING OF BILL.

Senate Bill No. 345—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature.

During the second reading of bill, the following amendments were submitted by Senator Sims:

Amend Section 1 of Senate Bill No 345 by striking out the words "three fifths," on line 32, and inserting the words "three fourths" in lieu thereof.

During the discussion of the amendment, the previous question was moved by Senator Stratton.

The President pro tem. thereupon put the question: "Shall the main question be now put?"

The motion to put the main question was lost.

Further discussion proceeded, and the amendment was lost.

Also: Amend Section 2 by striking out the words "three fifths," on line 31, and inserting the words "three fourths" in lieu thereof.

Amendment lost.

Read second time and considered engrossed.

THIRD READING OF BILL.

Senate Bill No. 345—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employés of the Legislature.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Boyce, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Hoey, Jones, Laird, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—Senators Ash, Braunhart, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—11.

Title read and approved.

Bill ordered transmitted to the Assembly without delay.

RESOLUTIONS.

By Senator Luchsinger:

Resolved, That the Sergeant-at-Arms of the Senate be authorized to procure a stamp suitable for the indelible marking of all Senate furniture, the expense of the same to be paid out of the Contingent Fund of the Senate.

Read, and referred to the Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Simpson:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby authorized and directed to purchase for the use of the chairmen of the committees of the Senate twenty-six Royal Index files.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MINES, DRAINAGE, AND DÉBRIS.

SENATE CHAMBER, SACRAMENTO, January 24, 1899.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Débris, to whom was referred Senate Bill No. 302—An Act to create a special fund to be known as the "State Débris Construction Fund," and to transfer from the General Fund to such State Débris Construction Fund the sum of \$250,000—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Senate Bill No. 302 ordered on file for second reading.

ON COMMERCE, HARBORS, AND RIVERS.

SENATE CHAMBER, SACRAMENTO, January 24, 1899.

MR. PRESIDENT: Your Committee on Commerce, Harbors, and Rivers, to whom was referred Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension by the Board of State Harbor Com-

missioners of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

SHORTBRIDGE, Chairman.

Senate Bill No. 54 ordered on file for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 24, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 37—An Act making an appropriation to pay the claim of F. P. Otis for costs of suit in foreclosing delinquent purchases of State school lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DICKINSON, Chairman.

Senate Bill No. 37 ordered on file for second reading.

IN MEMORY OF THE LATE EX-GOVERNOR ROMUALDO PACHECO.

Senator Braunhart moved that when the Senate adjourn on this day, it be out of respect to the memory of the late Romualdo Pacheco, at one time Governor of the State of California.

Motion carried by unanimous vote.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 24, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 30—An Act concerning elections, and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 23—An Act to provide for the nomination of candidates for public office, the selection of delegates to national conventions, and the transaction, settlement, and control of certain affairs of political parties or organizations, by and through political conventions composed of delegates chosen at general primary elections, or their proxies, and to regulate the conduct of such elections, and define and provide for definite political committees to cooperate therein, and to enforce said method of making such nominations—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

STRATTON, Chairman.

Senate Bills Nos. 30 and 23 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 24, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 62—An Act entitled "An Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which under the laws of the United States cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 55—An Act appointing John Mullan agent of this State to collect from the United States all moneys heretofore paid and which may also become due this State on account of obligations heretofore assumed by this State for the benefit and common defense of the United States, growing out of Indian hostilities in this State, and upon the borders thereof, including a so all moneys which may become due this State on account of the five per cent of the net proceeds of the sales, for cash or otherwise, of the public lands made by the United States in this State, and allowing him compensation therefor in the event of success—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Finance and Claims.

Also: Senate Bill No. 12—An Act to prevent the maintenance against the State or any officer thereof, by any county or county officer, of any action or proceeding for

the collection or recovery of any money alleged to be due such county, or any officer thereof, for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

Also: Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges and officers connected with the Supreme Court.

Also: Senate Bill No. 127—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 38—An Act prohibiting actions by counties, and by any city and county, against the State.

Also: Senate Bill No. 57—An Act for the punishment of State, county, and city and county officers, for withholding, hindering, or delaying, or aiding in the withholding, hindering, or delaying the payment of moneys derived from taxes or fees collected for State purposes.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be permitted to withdraw the same.

GILLETTE, Chairman.

Senate Bills Nos. 62, 12, 56, and 127 ordered on file for* second reading.

Senate Bill No. 55 referred to Committee on Finance and Claims.

WITHDRAWAL OF BILLS.

Senator Cutter, on request, was granted unanimous consent to withdraw Senate Bills Nos. 38 and 57.

Senate Bills Nos. 38 and 57 withdrawn, and ordered stricken from the file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Davis: Senate Bill No. 346—An Act to amend Section 578 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the directors and officers of savings and loan corporations.

Read first time, and referred to Committee on Judiciary.

By Senator Laird: Senate Bill No. 347—An Act authorizing the Secretary of State to furnish his office, and the vault connected therewith, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Chapman: Senate Bill No. 348—An Act to provide for the construction of a free wagon road from Tallac to McKinney's, along the western shore of Lake Tahoe, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Dickinson: Senate Bill No. 349—An Act to amend Sections 1912, 1913, 1914, 1917, 1920, 1922, 1934, 1936, 1939, 1940, 1941, 1943, 1951, 1952, 1954, 1955, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1990, 1991, 1992, 1993, 2003, 2004, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2094; to repeal Sections 1902, 1918, 1923, 1927, 1929, 1937, 1938, 1969, 2003, as approved April 1, 1897, 2054, 2055, 2056, 2057, 2058, 2064, 2065, 2066, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2099, 2105, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, and to add new Sections to be known and numbered as Sections 1959a, 1977, 1978, 1987, 1988, 1989, 1994, 1995,

1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025, all of and to the Political Code of the State of California, relating to the National Guard.

Read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 350—An Act protecting officers and employees of State institutions visiting or being at Sacramento during the session of the Legislature, unless required by the Governor, by the Legislature, or either house thereof, or by a committee of the Legislature, and for the betterment of the public service.

Read first time, and referred to Committee on Education and Public Morals.

Also: Senate Bill No. 351—An Act to repay and reimburse John C. Pelton for money expended, and for services employed in establishing the first free public school in the State of California, and providing an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 352—An Act to amend Section 293 of the Civil Code of the State of California, relating to the filing of articles of incorporation with the County Clerk and Secretary of State, and the issuance of certificate, and the effect of such certificate.

Read first time, and referred to Committee on Judiciary.

By Senator Day: Senate Bill No. 353—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 354—An Act to amend Section 1 of "An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied," approved February 25, 1897, and to add two new sections thereto.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 355—An Act making an appropriation to pay for the planing of the outer surface of the granite composing the lower story of the State Capitol at Sacramento, and requiring that such work be done under the direction of the Secretary of State.

Read first time, and referred to Committee on Finance and Claims.

By Senator Burnett: Senate Bill No. 356—An Act to amend Section 1888 of the Code of Civil Procedure of the State of California, relating to letters of administration.

Read first time, and referred to Committee on Judiciary.

By Senator Hall: Senate Bill No. 357—An Act to amend Sections 628 and 630 of an Act of the Legislature of the State of California, entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations.

Read first time, and referred to Committee on Corporations.

By Senator Straton: Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Read first time, and referred to Committee on Elections.

By Senator Luchsinger: Senate Bill No. 359—An Act to regulate the practice of architecture.

Read first time, and referred to Committee on Judiciary.

By Senator Maggard: Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Taylor: Senate Bill No. 361—An Act relative to the meeting place of high school boards within municipal corporations.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Trout: Senate Bill No. 362—An Act to establish a camp of instruction for the National Guard of the State of California, and to authorize the acquisition by donation of a site for the same.

Read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 363—An Act to amend Section 2022 of the Political Code of California.

Read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 364—An Act to amend Section 3 of an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897.

Read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 365—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State.

Read first time, and referred to Committee on Judiciary.

By Senator Rowell: Senate Bill No. 366—An Act to amend Section 3164 of the Civil Code of the State of California, relating to the extinction of negotiable instruments.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 367—An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto.

Read first time, and referred to Committee on Judiciary.

By Senator Brauhart: Senate Bill No. 368—An Act to ascertain and express the will of the people of the State of California upon the question, upon the subject of an amendment to the Constitution of the United States, providing for the election of Senators in Congress by direct vote of the people.

Read first time, and referred to Committee on Judiciary.

By Senator Flint: Senate Bill 369—An Act to amend Section 1880 of the Political Code of the State of California, relating to the issue of bonds of school districts.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 370—An Act to create the office of Expert for the State of California.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 371—An Act to reorganize the State Board of Health, and to grant it additional powers.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Doty: Senate Bill No. 372—An Act to amend Section 2 of an Act entitled "An Act to repeal Chapter II of Title VI, Part III, of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II of Title VI of Part III of said Code, and substitute the same in the place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883, relating to roads and highways.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as and numbered Section 2664, relating to highway taxes.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 374—An Act to amend Section 2653 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes.

Read first time, and referred to Committee on Judiciary.

WITHDRAWAL OF BILLS.

Senator Flint asked for, and was granted, unanimous consent to withdraw Senate Bill No. 15—An Act to create the Bureau of State Inspection of Foods, Drinks, and Drugs in the State of California.

Senate Bill No. 15 withdrawn and ordered stricken from the file.

Senator Dickinson asked for, and was granted, unanimous consent to withdraw Senate Bill No. 236—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Senate Bill No. 236 withdrawn and ordered stricken from the file.

GENERAL FILE.

Senate Bill No. 199—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature.

MOTION TO LAY ON TABLE.

Senator Cutter moved that Senate Bill No. 199 lie on the table.
Motion carried.

THIRD READING OF BILLS.

Senate Bill No. 31—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of such annexed territory.

Bill read third time.

The question being on the passage of Senate Bill No. 31.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 96—An Act entitled "An Act to amend Section 798 of an Act entitled 'An Act to provide for the organization, incorporation, and government of municipal corporations,' approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class."

Read third time.

Senator Boyce moved that Senate Bill No. 96 be referred to Senator Taylor, as a special committee of one, with instructions to amend the same as follows:

Insert the word "kindergarten" after the word "primary," in line 7 on first page of bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 24, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 96—An Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class—with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print, reëngrossment, and on file for passage.

Senate Bill No. 76—An Act to prevent deception in the manufacture and sale of butter in packages known as "short weight," and to prevent deception in the use of designs or brands.

Read third time.

The question being on the passage of Senate Bill No. 96.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 79—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Passed on file, but to retain its place on file.

At eleven o'clock and fifty minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth District, in the chair.

Senate Bill No. 91—An Act to prevent deception in the sale of process or renovated butter.

During the second reading of bill, the following amendments were submitted:

By Senator Bulla:

Amend by striking out all of Section 2 after line 2.

Amendment adopted.

By Senator Burnett:

Amend by striking out of lines 6 and 7 the words "to be added to the amount appropriated for the use of the State Dairy Bureau."

Amendment adopted.

Bill read second time, ordered to print and engrossment, and on file for third reading. .

Senate Bill No. 109—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd by the State Board of Examiners, and to appropriate money therefor.

During the second reading of bill, the following committee amendment was submitted:

Amend by striking out the word "five" from line 4, Section 1 of printed bill, and inserting in lieu thereof the word "three."

Amendment adopted.

Also: Amend by striking out the word "five" from line 1, Section 2, printed bill, and inserting in lieu thereof "three."

Amendment adopted.

Bill read second time, ordered to print and engrossment, and on file for third reading.

RECESS.

Having resumed the chair at eleven o'clock and fifty-five minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Tuesday, January 24, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright. Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to

order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowly, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—77.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Monday, January 23, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Monday, January 23, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
 For *R. N. Bulla*—Senators Currier, Gillette, Simpson, and Taylor—4.
 For *D. M. Burns*—Senators Burnett, Hoey, Laird, Shortridge, and Wolfe—5.
 For *U. S. Grant, Jr.*—Senators Boyce, Jones, Nutt, Smith, and Trout—5.
 For *Irving M. Scott*—Senator Davis—1.
 For *John Rosenfeld*—Senator Feeney—1.
 For *Thomas R. Bard*—Senators Flint and Rowell—2.
 For *Stephen M. White*—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators.....	34
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	5 votes.
U. S. Grant, Jr., received	5 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	12 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentzer—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cospier, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Eugene Sullivan, and Wright—17.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Gridin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	76
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	19 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the completion of the roll call, announced the vote as follows:

Whole number of votes cast	110
Necessary to a choice	56
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	22 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	24 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Thomas R. Bard received	2 votes.
Stephen M. White received	31 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Assemblyman Belshaw, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Wednesday, January 25, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until ten o'clock A. M. of Wednesday, January 25, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 25, 1899. }

Pursuant to adjournment, the Senate met at 10 o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Tuesday, January 24, 1899, was read.

The Journal of Saturday, January 21, 1899, was approved.

SPECIAL ORDER.

The following special order, heretofore set for this hour, was taken up for consideration:

Senate Joint Resolution No. 9—Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or, in lieu thereof, the permission of pasturage of sheep in said portion thereof for the year 1899.

The joint resolution having been read on a previous day, the following committee amendments, by order of the Senate already incorporated in printed copy of resolution as proposed by committee, were submitted:

Amend by striking out the whole of preamble 3, printed bill, and insert in lieu thereof the following:

"WHEREAS, The destruction of timber or undergrowth in said portion of the Stanislaus forest reserve is impossible because said reserve is not covered with great forests of timber, and forest fires are impossible on account of the lateness of the disappearance of snow in that section."

Amendment adopted.

Also: Amend by adding to said resolution the following:
Resolved, That a copy of this resolution be immediately forwarded, by mail, by the Secretary of the Senate to our representatives in Congress."

Amendment adopted.

The joint resolution, as amended, was read as follows:

SENATE JOINT RESOLUTION No. 9.

Relative to the appropriation of that portion of the Stanislaus forest reserve in Alpine County or in lieu thereof, the permission of pasturage of sheep in said portion thereof for the year 1899.

WHEREAS The late President Cleveland when in office created and established the Stanislaus forest reserve, which reserve covers a large portion of the County of Alpine, State of California; and

WHEREAS The larger portion, if not the whole, of said Stanislaus forest reserve, in said Alpine County, is in all cases covered with small forest timber of such growth as is contemplated by Congress in the creation of forest reserves; and

WHEREAS The destruction of timber on an large, wild, and said portion of the Stanislaus forest reserve is impossible because said reserve is not covered with great forests of timber and forest fires are impossible on account of the lateness of the disappearance of snow in that section; and

WHEREAS In the past twenty-five or thirty years the presence of camp-fire tourists, stockmen, and others has not resulted in any disastrous fires in said portion of said reserve; and

WHEREAS The closing of the lands embraced in said reserve in the County of Alpine, to the pasturage of sheep will be of great injury to said country and to the hundreds of people engaged in said industry in said county as well as to the stockmen and others who have heretofore furnished supplies to said stockmen, to wit: That be it

Resolved by the Senate and Assembly, That our Senators in Congress be instructed, and our Representatives be requested, to urge upon the Commissioner of the General Land Office and the President of the United States the necessity to all the interests heretofore mentioned of further continuing the Stanislaus forest reserve in said County of Alpine, to extend the alteration or suspension of said reserve in so far as the same extends over Alpine County, and if said alteration or suspension of said reserve cannot be said to result from the Honorable Commissioner of said General Land Office permission for the pasturage of sheep for the next eighteen hundred and ninety-nine, in the portion of said reserve in said Alpine County:

Resolved, That a copy of this resolution be immediately forwarded, by mail, by the Secretary of the Senate to our Representatives in Congress.

The question being on the adoption of Senate Joint Resolution No. 9.
 The roll was called, and the same adopted by the following vote:

AYES—Senators Ames, Brown, Fairbank, Hoile, Forrest, Chapman, Currier, Carlton, Davis, Dickinson, Eddy, Hoyer, Cramer, Frost, Granger, Hall, Hoag, Jones, Lund, Lawrence, Latham, Leelanor, Lusk, McHenry, McPherson, Mitchell, Morrill, Simpson, Sims, Smith, Stratton, Taylor, and Trout—34.

NAES—None.

Senate Joint Resolution No. 9 ordered transmitted to the Assembly.

PETITION.

Senator Smith presented the following petition, which was read and ordered printed in the Journal, to and including the name of the fifth petitioner:

To the Senate and Assembly of the Legislature of California:

We, the undersigned residents of the County of San Bernardino, California, respectfully ask your honored body to enact a rest-day law that will secure all unnecessary semi-annual and biennial and all other county and township meetings with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

H. G. WRIGHT.
 ALEX. WEBSTER.
 F. D. FROST.
 A. F. JACK.
 G. WEBSTER.

And one hundred and thirty-three others.

MOTIONS, RESOLUTIONS, AND NOTICES.

Senator Stratton offered the following resolution, and moved its adoption:

WHEREAS, The Committee on Elections has had referred for its consideration the papers in a case of contested election; and

WHEREAS, At a meeting of the said committee it became apparent that it will probably be necessary to subpoena witnesses to bring records and papers in order to properly determine the merits of said contest; and

WHEREAS, It will be necessary to employ a competent stenographer and certain clerical help during the hearing of such contested election case;

Resolved, That the Committee on Elections is hereby authorized and empowered to send for persons and papers, and to take testimony to ascertain the facts in the matter of said contests, and the Sergeant-at-Arms is hereby instructed to subpoena such witnesses as the chairman of said committee shall designate, such subpoena to be signed by the chairman of said Committee on Elections; and be it further

Resolved, That the said Committee on Elections is hereby authorized to employ a stenographer and such clerical assistance as they deem necessary during the hearing of said contest.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 25, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 82—An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 151—An Act for the relief of J. N. E. Wilson, ex-Insurance Commissioner of the State of California, and of James D. Byrnes and Frank C. De Long, the bondsmen of said John N. E. Wilson, ex-Insurance Commissioner, and authorizing the Attorney-General of the State of California to enter satisfaction of judgment for the sum of \$4,063 82, in full settlement of the suit entitled "The People of the State of California, upon the complaint of E. P. Colgan, as Controller of said State, plaintiff, vs. John N. E. Wilson, Frank C. De Long, and James D. Byrnes, defendants"—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute do pass.

DICKINSON, Chairman.

Senate Bills Nos. 82 and 151 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 25, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 46—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to Finance Committee

Also: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend the Constitution of the State by adding to Article XIII thereof a section in relation to the exemption from taxation of churches and chapels, and the real property on which they are situated, said new section to be inserted after Section 1 of said Article XIII, and to be designated as Section 1½ of said article—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Senate Bill No. 65—An Act to add a new section to the Political Code, to be known as Section 793, relating to notaries public.

Also: Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 92—An Act appointing Thomas M. Nosler, John Mullan, and James W. Shanklin agents of this State to collect from the United States all moneys by her advanced and paid for the benefit of the United States in connection with the volunteers of this State mustered into the military service of the United States during the Rebellion, including all the expenses incurred by this State, and allowing compensation therefor in event of success—have had the same under consideration, and respectfully report the same back, and recommend that the same be referred back to the Committee on Finance.

Also: Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897.

Also: Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

Also: Senate Bill No. 32—An Act to amend Section 595 of Civil Code.

Also: Senate Bill No. 94—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

GILLETTE, Chairman.

Senate Bill No. 46, with committee amendment, referred to Committee on Finance and Claims.

Senator Wolfe moved that the consideration of Senate Constitutional Amendment No. 7 be made a special order for Thursday, January 26, 1899, immediately after reading of the Journal.

The ayes and noes were demanded by Senators Wolfe, Ashe, and Feeney.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Currier, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Leavitt, Prisk, Sims, and Wolfe—18.

NOES—Senators Burnett, Chapman, Curtin, Dickinson, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shorrridge, Simpson, Smith, Stratton, and Taylor—18.

Senate Constitutional Amendment No. 7 ordered on file.

Senate Bill No. 92 re-referred to Committee on Finance and Claims.

Senate Bills Nos. 65, 66, 5, 9, 32, and 94 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, JANUARY 25, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 152—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1889, authorizing such associations to erect, purchase, or lease buildings and furnaces, and other works for cremation of human bodies; also to erect or lease buildings, in which shall be entombed only the ashes of cremated dead, to make provisions for the care of the burial places and ashes of the dead; also to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Senate Bill No. 152 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, JANUARY 25, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 133—An Act concerning registration for primary elections.

Also: Senate Bill No. 50—An Act providing for the use of separate ballot boxes for each political party at primary elections.

Also: Senate Bill No. 84—An Act to amend Section 1188 of the Political Code, relating to the method by which candidates for public office may be nominated.

Also: Senate Bill No. 95—An Act to amend Section 1186 of the Political Code, relating to conventions.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 67—An Act adding a new section to the Political Code of this State, to be known and designated as Section 1118, providing for registration and the use of registers at primary elections—have had the same under consideration, and respectfully report the same back without recommendation.

STRATTON, Chairman.

Senate Bills Nos. 133, 50, 83, 95, and 67 ordered on file for second reading.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, January 25, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 29—An Act to establish the California Polytechnic School in the County of San Luis Obispo, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and, as it carries an appropriation, the committee recommends that it be referred to the Committee on Finance.

BOYCE, Chairman.

Senate Bill No. 29 re-referred to Committee on Finance and Claims.

ON PUBLIC PRINTING AND STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, January 25, 1899.

MR. PRESIDENT: Your Committee on Public Printing and State Library, to whom was referred Senate Bill No. 232—An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V, of the Political Code, relating to the State Library—have had the same under consideration, and respectfully report the same back, with committee amendments, and recommend that it be so passed.

TROUT, Chairman.

Senate Bill No. 232 ordered on file for second reading.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, January 25, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 58—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 194—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Have had the same under consideration, and respectfully report back therefor a substitute, and recommend its adoption and passage.

MOREHOUSE, Chairman.

Senate Bills Nos. 58 and 194 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day finally passed Senate Bill No. 345—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to officers and employees of the Legislature.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

Senate Bill No. 345 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Taylor: Senate Bill No. 375—An Act relative to and limiting the hours of service on railroads, and providing legal sanction.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 376—An Act to amend Section 1705 of the

Code of Civil Procedure, relating to the publication of probate notices and orders.

Read first time, and referred to Committee on Judiciary.

By Senator Ashe: Senate Bill No. 377—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton: Senate Bill No. 378—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors, and by the municipal authorities of cities and towns, to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations when found necessary, without offering the same for sale, excepting from the operation of this Act any property under the jurisdiction or control of any Board of State Harbor Commissioners.

Read first time, and referred to Committee on County Government and Township Organization.

Also: Senate Bill No. 379—An Act to promote the purity of primary elections and to punish offenses thereat.

Read first time, and referred to Committee on Elections.

By Senator Luchsinger: Senate Bill No. 380—An Act concerning a veteran volunteer fireman's association of California, and to provide for its management and control, and to appropriate money for its support, and relating to the enrollment, formation into fire companies, and services as firemen of such veteran volunteer firemen.

Read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 381—An Act regulating the use of the label of the International Typographical Union of North America upon printed matter furnished by the State of California.

Read first time, and referred to Committee on Public Printing and State Library.

By Senator Morehouse: Senate Bill No. 382—An Act to amend Section 197 of the Penal Code.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 383—An Act to provide for the construction of a building for library purposes and additional class rooms at the State Normal School in San José, and to provide for furnishing, equipment, and heating and ventilation apparatus therefor, and making appropriation for the same.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Dickinson: Senate Bill No. 384—An Act to amend an Act entitled "An Act to establish a Political Code," by adding a new section thereto, to be known and numbered as Section 3524, relating to land patents.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 385—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance of horses, except within the race track, enclosure, or fair ground wherein such trial or contest shall be had and occur, and to provide a punishment therefor.

Read first time, and referred to Committee on Education and Public Morals.

Also: Senate Bill No. 386—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872, and of all Acts amendatory thereof and supplementary thereto, relating to undertakings in actions of libel.

Read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 387—An Act to create and regulate in any city, or city and county, in this State, public warehouses.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Also: Senate Bill No. 388—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 389—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895.

Read first time, and referred to Committee on County Government and Township Organization.

By Committee on County Government and Township Organization: Substitute for Senate Bills Nos. 58 and 194—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading.

By Committee on Finance and Claims: Substitute for Senate Bill No. 151—An Act authorizing the Attorney-General to settle and dismiss a certain action entitled "The People of the State of California, *ex rel.* E. P. Colgan, State Controller, Plaintiff, vs. J. N. E. Wilson, F. C. De Long and J. D. Byrnes, Defendants," wherein judgment was obtained against the defendants in the Superior Court of the County of Sacramento, State of California, which action is numbered 5990 in said court (which judgment as against the said J. N. E. Wilson was affirmed by the Supreme Court of the State of California), upon the payment to him for the use of the State of the sum of \$649 93, heretofore paid by the said J. N. E. Wilson into the said Superior Court, and upon the further consideration of an assignment by said J. N. E. Wilson to the State of California of all his right, title, and interest in and to any and all of the moneys deposited by the said J. N. E. Wilson as Insurance Commissioner, in the Pacific Bank of San Francisco, and now remaining therein.

Bill ordered on file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 96—An Act entitled an Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

Passed on file, but to retain its place on file.

SECOND READING OF BILLS.

Senate Bill No. 79—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and

control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Senator Leavitt asked for, and was granted, unanimous consent to withdraw Senate Bill No. 79.

Senate Bill No. 79 withdrawn, and ordered stricken from the file.

Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same.

During the second reading of bill, the following amendments were submitted:

By Senator La Rue:

Insert in line 16, Section 1, the word "matter" after the word "saccharine."

Amendment adopted.

Also: Amend by inserting the following:

The word "matter" after the word "saccharine," in line 18, Section 1.

Amendment adopted.

Also: Amend by inserting the word "saccharine" after the word "alum," in line 10, Section 2.

Amendment adopted.

By Committee on Finance and Claims:

Amend by striking out the words "one hundred," on line 4, Section 8, fourth page, printed bill, and inserting in lieu thereof the word "fifty."

Amendment adopted.

Also: Amend by striking out the words "five hundred," on line 4, Section 8, fourth page, printed bill, and inserting in lieu thereof the words "two hundred and fifty."

Amendment adopted.

Also: Amend by striking out the words "one thousand," on line 6, Section 8, fourth page, printed bill, and inserting in lieu thereof the words "five hundred."

Amendment adopted.

Also: Amend by striking out the words "the second," on line 8, Section 8, fourth page, printed bill, and inserting in lieu thereof the words "each subsequent."

Amendment adopted.

By Senator La Rue:

Amend by striking out the words "five hundred," on line 5, Section —, fourth page, printed bill, and inserting in lieu thereof the words "two hundred and fifty."

Amendment adopted.

By Senator Bulla:

Amend by striking out of Section 8, lines 3 *et seq.*, all after word "misdemeanor," to period in line 8.

Amendment lost.

By Committee on Finance and Claims:

Amend by inserting the word "analyze" after the words "university to," on line 2, Section 9, fifth page, printed bill.

Amendment adopted.

Also: Amend by striking out the word "through," on line 2, Section 9, fifth page, printed bill, and inserting in lieu thereof the word "by."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

Senate Bill No. 19—An Act repealing an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Passed on file temporarily, because of author's absence.

Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor.

Passed on file, but to retain its place.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Passed on file, but to retain its place.

Senate Bill No. 75—An Act making an appropriation to pay the claim of J. W. Sibole.

During the second reading of the bill, the following amendment was submitted by the Committee on Finance and Claims:

Amend by inserting after the word "dollars," on line 1, Section 1, the words "or so much thereof as may be necessary."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

SENATE JOINT RESOLUTION NO. 12.

Relative to improvement of San Pablo Bay.

WHEREAS, It has been determined, as a result of an official survey of the Coast and Geodetic Survey, as shown on their chart of August, 1898, that a shoal exists in San Pablo Bay, between Lone Tree Point and Point Pinole; and

WHEREAS, San Pablo Bay is the waterway between the Golden Gate and Carquinez Straits, having commerce aggregating millions of dollars annually;

THEREFORE, In the interest of commerce, the development of the State as a whole, and to insure the safety of our naval vessels going to and coming from Mare Island Navy Yard, be it

Resolved by the Senate and Assembly, jointly, That our Senators in Congress be instructed, and our Representatives requested, to use all their efforts to have the necessary dredging done, and to secure an appropriation therefor;

Resolved, That a copy of these resolutions be forwarded by the Secretary of the Senate to our representatives in Congress.

The roll was called, and Senate Joint Resolution No. 12 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Luchsing, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

On motion of Senator Laird, Senate Bill No. 19, temporarily passed on file this day, was taken up for consideration.

Senate Bill No. 19—An Act repealing an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

The President pro tem. having announced that the bill was now on second reading, Senator Cutter moved that Senate Bill No. 19 be denied a second reading.

Motion lost.

During the second reading of bill, Senator Cutter moved the adoption of the following as a substitute for the bill:

SUBSTITUTE FOR SENATE BILL NO. 19.

An Act to amend Section 5 of "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 5 of the Act of which this Act is amendatory is hereby amended to read:

Section 5. This Act shall take effect and be in force on April 1, 1902.

Substitute read.

POINTS OF ORDER.

Senator Laird made the following point of order:

That the proposed amendment was in the form of a substitute bill, and that a motion to substitute a bill for the one under consideration could not be entertained during the second reading.

The President pro tem. decided the point of order not well taken.

Senator Smith made the point of order that the subject-matter of the proposed substitute not being germane to that of the original bill, the motion to adopt the substitute as an amendment could not be entertained.

The President pro tem. decided the point of order well taken, and thereupon ruled the motion of Senator Cutter out of order.

Senator Cutter moved to amend bill as follows:

Amend Section 2 so as to read: "This Act shall take effect on the first day of April, 1902."

RECESS.

During discussion of the proposed amendment, the President pro tem. (having resumed the chair at eleven o'clock and fifty-five minutes A. M.), announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 25, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard B. Wright, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, De Lencie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Kelley, Kelsey, Kenneally, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Mr. Speaker—76.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Tuesday, January 24, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Tuesday, January 24, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
 For *R. N. Bulla*—Senators Currier, Gillette, Simpson, and Taylor—4.
 For *D. M. Burns*—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
 For *U. S. Grant, Jr.*—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
 For *Irving M. Scott*—Senator Davis—1.
 For *John Rosenfeld*—Senator Feeney—1.
 For *Thomas R. Bard*—Senators Flint and Rowell—2.
 For *Stephen M. White*—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators	38
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	12 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For Stephen M. White—Messrs. Boone, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

For Marion De Vries—Mr. Brooke—1.

For John Rosenfeld—Mr. Crowley—1.

For Irving M. Scott—Mr. Dunlap—1.

For M. M. Estee—Mr. Wade—1.

Whole number of votes cast by Assemblymen	78
W. H. L. Barnes received	7 votes.
R. N. Bulla received	9 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
Stephen M. White received	19 votes.
Marion De Vries received	1 vote.
M. M. Estee received	1 vote.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	115
Necessary to a choice	58
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
Irving M. Scott received	2 votes.
John Rosenfeld received	2 votes.
Thomas R. Bard received	2 votes.
Stephen M. White received	31 votes.
Marion De Vries received	1 vote.

And thereupon declared the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Assemblyman Belshaw, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Thursday, January 26, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—33.

Quorum present.

CONSIDERATION OF DAILY FILE (SECOND READING OF BILLS)—RESUMED.

Senate Bill No. 19—An Act repealing an Act entitled “An Act to regulate the width of tires of wagons to be used on the public highways of the State of California,” approved March 20, 1897.

On motion of Senator Dickinson, Senate Bill No. 19 is to retain its place on file, and its further consideration postponed until Thursday, January 26, 1899, and the further consideration of the regular order of business was for this day dispensed with.

RESOLUTIONS—(OUT OF ORDER).

By Senator Cutter:

Resolved, That the several sums set opposite the following named persons be and the same are hereby appropriated out of the Contingent Fund of the Senate, for the purpose of paying for labor performed and services rendered by the different named persons mentioned herein, and the Controller of State is authorized to draw his warrants for the several amounts, and the Treasurer directed to pay the same:

Name and Position.	Days.	Rate.	Amt.
G. E. Mathews, Clerk	4	\$4 00	\$16 00
G. W. McIntyre, Assistant Secretary	4	6 00	24 00
A. Forsythe, Stenographer	8	5 00	40 00
J. G. McCall, Assistant Sergeant-at-Arms	23	5 00	115 00
Hiram Clock, Porter	24	3 00	72 00
Steve Pruitt, Porter	24	3 00	72 00
E. Cowan, Porter	24	3 00	72 00
A. Noble, Watchman	24	3 00	72 00
T. W. Measure, Electrician	24	4 00	96 00
C. S. McMullen, Assistant Minute Clerk	24	6 00	144 00
Frank McQuade, Clerk	24	6 00	144 00
William Rogers, Porter	24	3 00	72 00
F. H. Figel, Assistant to Minute Clerk	24	6 00	144 00
I. M. Terrell, Gatekeeper	4	3 00	12 00
M. Driscoll, Clerk	8	5 00	40 00
James P. Tryce, Bill Clerk	16	4 00	64 00
George Hatton, Clerk	24	5 00	120 00
George A. Byron, Doorkeeper	3	4 00	12 00
J. E. Carter, Porter	6	3 00	18 00
A. L. Dillon, Mail Carrier	5	3 00	15 00
J. Keeler, Messenger	24	3 00	72 00
Reed Baxter, Page	9	2 50	22 50
Truman Thorpe, Page	9	2 50	22 50

Resolution read.

Senator Cutter moved that the rules be suspended and the resolution placed on its adoption.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

NOES—None.

The question then recurring on the adoption of the resolution.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.
NOES—None.

By Senator Boyce:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$53 16, in payment of the attached bill, for telegrams sent to Washington on January 5th, 7th, and 21st.

To Pacific Postal Telegraph-Cable Co.

Jan. 5—Telegram to V. E. Burton, Washington, D. C.	\$26 06
7—Telegram to G. C. Perkins and S. M. White, Washington, D. C.	18 38
21—Telegram to G. C. Perkins and S. G. Hilborn, Washington, D. C.	8 72

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Bulla, the Senate was declared adjourned until ten o'clock A. M. of Thursday, January 26, 1899.

IN SENATE.

SENATE CHAMBER,
Thursday, January 26, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, January 25, 1899, was read.
The Journal of Monday, January 23, 1899, was approved.

PETITIONS.

Senator Flint presented the following petition, which was read and ordered printed in the Journal:

COUNCIL OF ASSOCIATED INDUSTRIES OF CALIFORNIA,)
SAN FRANCISCO, January 24, 1899. }

To the Honorable the Members of the Senate and Assembly of the State of California:

GENTLEMEN: At a meeting of the Council of Associated Industries, composed of delegates from the following commercial organizations of the State: Chamber of Commerce, State Board of Trade, Board of Health, Mechanics' Institute, State Board of Horticulture, California Good Roads League, California Miners' Association, Builders' Exchange, Manufacturers and Producers' Association of California, the following resolutions were unanimously passed, and the President and Secretary authorized to sign the same, and forward to your honorable body:

WHEREAS, There is now pending before the Legislature of California a bill to provide for the enforcement of the pure food laws, by placing the same under the management and control of the State Board of Health; and

WHEREAS, There was held in San Francisco a Pure Food Congress in 1897, composed of prominent representative men from every county in the State of California, under the auspices of the Manufacturers and Producers' Association and a committee from the Council of Associated Industries; and

WHEREAS, From the able papers read in relation to food adulterations it was made apparent to the people of the State of California that the adulterations of food products in the United States had become so general and of such an alarming character as to seriously imperil the health and lives of the people, as well as the commercial honor and prosperity of the producers of food products in this State; and

WHEREAS, Owing to the immense amount and variety of our food products, no State in the Union can be more seriously injured by food adulterations and false labeling of her products than California; and

WHEREAS, Not only the people of the United States, but those of other countries as well, have passed stringent laws and are at present actively engaged in protecting the consumer of food products and the legitimate producer throughout the world; therefore, be it

Resolved, That we earnestly request the members of the Senate and Assembly to favor the passage of this law, as we believe it is absolutely necessary in order to effectually stamp out this vicious and dishonest traffic in food products, which menaces the health, lives, and prosperity of the entire people of California.

Yours very truly, .

J. A. FILCHER, President.
OSCAR LEWIS, Secretary.

Senator Davis presented the following petition, which was read and ordered printed in the Journal, to and including the name of the sixth petitioner:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Sutter Creek in the County of Amador, California, respectfully ask your honorable body to enact a Sabbath law that will prohibit all unnecessary secular labor and business and all public sports and amusements inconsistent with the sanctity of the day, and that, at the same time, will secure the necessary weekly rest to all classes of weary toilers.

M. E. SIBOLE.
I. W. SIBOLE.
C. E. BAWDEN.
HAMILTON HOFF.
Z. M. CARPENTER.
A. SIBOLE.

And one hundred and twenty-two others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 7—Relative to false branding of food products—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

—LEAVITT, Chairman.

Senate Joint Resolution No. 7 ordered on file.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 136—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the concrete guttering, culverting, and macadamizing of Warring Street, in front of the lands of the Institute of the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, Superintendent of Streets of the Town of Berkeley, California, his authority having been acquired under the general street laws of this State.

Also: Senate Bill No. 6—An Act to provide for certain improvements and repairs at the State Normal School at Los Angeles, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and that they be referred to the Committee on Finance and Claims.

SMITH, Chairman.

Senate Bills Nos. 136 and 6 referred to Committee on Finance and Claims.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 214—An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Senate Bill No. 214 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 177—An Act to add a new section of the Civil Code, to be known as Section 431 thereof, relating to the form of fire insurance policies.

Also: Senate Bill No. 178—An Act to add a new section to the Political Code of California, to be known as Section 635 thereof, relating to the form of fire insurance policies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bills Nos. 177 and 178 ordered on file for second reading.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 125—An Act to increase the membership of the auditing board to the Commissioner of Public Works.

Also: Senate Bill No. 78—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Also: Senate Bill No. 10—An Act to amend Sections 3, 4, 5, 6, 7, 8, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, as amended by an Act entitled "An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled 'An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands,'" approved April 15, 1880; approved March 19, 1889.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 33—An Act to add a new section to the Political Code, to be known and designated as Section 346½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.

Also: Senate Bill No. 20—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for non-user of corporate powers.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

MAGGARD, Chairman.

Senate Bill No. 125 referred to Committee on Finance and Claims.

Senate Bills Nos. 78, 10, 33, and 20 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 91—An Act to prevent deception in the sale of process or renovated butter.

Also: Senate Bill No. 109—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd, by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 96—An Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

JONES, Chairman.

Senate Bills Nos. 91, 109, and 96 ordered on file for third reading.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 176—An Act governing the transportation of the insane from the counties in which they have been committed, to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

ROWELL, Chairman.

Senate Bill No. 176 ordered on file for second reading.

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 14—Relative to the First Regiment of California Infantry of United States Volunteers—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEAVITT, Chairman.

Senate Joint Resolution No. 14 ordered on file.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred Senate Bill No. 198—An Act authorizing the Secretary of State to appoint an additional clerk, to be known as Janitor's Clerk, and providing for his salary for remainder of fiftieth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FLINT, Chairman.

Senate Bill No. 198 referred to Committee on Finance and Claims.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby instructed to procure for the use of the Senate committees an additional ten dozen Globe files and one dozen perforators for same. The Controller is hereby directed to draw his warrant for the sum of \$126 for the payment of the same, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend the accompanying substitute:

Resolved, That the Secretary of the Senate be and he is hereby instructed to procure for the use of the Senate committees an additional eleven dozen Globe files and two dozen perforators for same. The Controller is hereby directed to draw his warrant for the sum of \$144 for the payment of the same, and the Treasurer is hereby directed to pay the same, the same payable out of the Contingent Fund of the Senate.

And further recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the committee report and accompanying substitute.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Frisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—32.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby authorized and directed to purchase for the use of the chairmen of the committees of the Senate, twenty-six Royal index files.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

FLINT, Chairman.

The question being on the adoption of the unfavorable report of the committee.

The same was put and lost.

The question recurring on the adoption of the resolution.

Senator Simpson moved the adoption of the following resolution as a substitute:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby authorized and directed to purchase for the use of the Senate forty Royal index files.

The roll was called, and the substitute resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dwyer, Flint, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Pace, Rowell, Shortridge, Simpson, Stratton, and Taylor—24.

NOES—Senator Trout—1.

At ten o'clock and forty minutes A. M., on motion of Senator Curtin, the Committee on Elections was granted a leave of absence for the day.

REPORT OF SPECIAL COMMITTEE ON JOINT RULES.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Joint Rules report that they have had a joint meeting with the Assembly Committee on Joint Rules, and that the Joint Committee has finally agreed upon the following Joint Rules, and recommend that they be adopted by the Senate, to take effect as soon as adopted by the Assembly:

JOINT RULES.

1.—JOINT ADDRESS TO GOVERNOR.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both houses.

2.—BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given to the house in which the same shall have passed.

3.—REJECTED BILLS REQUIRE FIVE DAYS' NOTICE AND TWO-THIRDS VOTE FOR REINTRODUCTION.

When a bill or resolution which has been passed in one house shall be rejected in the other, it shall not be brought in during the same session, without notice of five days, and leave of two thirds of that house in which it shall be renewed.

4.—EACH HOUSE TO TRANSMIT PAPERS.

Each house shall transmit to the other papers on which any bill or resolution shall be founded.

5.—DISAGREEMENT, ADHERED TO, DEFEATS THE BILL.

After each house shall have once adhered to its disagreement, a bill or resolution shall be lost.

6.—NO APPROPRIATION EXCEPT BY BILL.

No appropriation of money, for any purpose whatever, shall be made except by bill.

7.—JOINT AND CONCURRENT RESOLUTIONS.

Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

8.—JOINT RESOLUTIONS TREATED AS BILLS.

All joint resolutions shall be treated in all respects as bills, except that all joint resolutions shall be read but one time in each house.

9.—AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

10.—BILLS READ AND REFERRED TO COMMITTEE.

When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

11.—SPECIAL FILE.

After the first day of February, 1899, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered one hour and a half after being so taken up. This rule shall not be suspended in either house except by a two-thirds vote of such house.

12.—FEES ALLOWED IN CASES OF CONTEST.

Whenever, in the Senate or Assembly, a contest is made for the seat of any Senator or Assemblyman, no more than \$200 shall be allowed as counsel fees for the sitting member and \$100 for the contesting member, regardless of who is seated.

13.—BILLS NOT TO BE PRINTED FOR ENGROSSMENT UNLESS AMENDED.

Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

14.—CLERK TO ATTACH AMENDMENTS TO BILL.

If a Senate bill shall have been amended by the Assembly, the Clerk of the Assembly shall attach the amendments adopted by the Assembly to the Senate bill.

15.—SECRETARY TO ATTACH AMENDMENTS TO BILL.

If an Assembly bill shall have been amended by the Senate, the Secretary of the Senate shall attach the amendments adopted by the Senate to the Assembly bill.

16.—AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall report it within ten days, if received on or before January 25th, and within five days if received after January 25th, unless otherwise ordered by the Senate or Assembly.

17.—CLERK TO RETURN BILL TO SENATE.

After a Senate bill has passed the Assembly, or has been refused passage by the Assembly, the Clerk of the Assembly shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Senate, and in the Assembly message, which must accompany same, mention the action taken by the Assembly.

18.—SECRETARY TO RETURN BILL TO ASSEMBLY.

After an Assembly bill has passed the Senate, or has been refused passage by the Senate, the Secretary of the Senate shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Assembly, and in the Senate message, which must accompany same, mention the action taken by the Senate.

19.—TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

20.—WHEN AMENDMENTS ARE CONCURRED IN.

If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

21.—WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

22.—COMMITTEE ON CONFERENCE.

In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective houses.

23.—FREE CONFERENCE COMMITTEE.

If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, but such amendments made by such committee shall be attached to the bill.

The report of the Committee on Free Conference shall not be subject to amendment in either house, but the conferees may be discharged and other conferees appointed, or the report may be recommitted to the same conferees.

24.—WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed, and shall be determined without debate.

25.—MESSAGES MUST BE ANNOUNCED BY THE ASSISTANT SERGEANT-AT-ARMS.

When a message shall be sent from either house it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

26.—SECRETARY, CLERK, ETC., TO CARRY MESSAGES.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each house may determine to be proper.

27.—NOTICES TO BE ON PAPER, UNDER PROPER SIGNATURE.

Notice of the action of either house to the other shall be on paper, and under the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

28.—ENROLLED BILLS TO RECEIVE SIGNATURE OF THE PROPER OFFICER.

After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly, or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the house in which it emanated, before it shall be presented to the Governor of the State.

29.—ENROLLING COMMITTEE TO COMPARE.

When bills are enrolled they shall be reëxamined by the Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

30.—PRESIDENT AND SPEAKER TO SIGN BILLS.

After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

31.—ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

After a bill shall have thus been signed in each house, it shall be presented by the Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

32.—DAILY HISTORY OF BILLS, ETC.

There shall be printed daily, by both the Senate and Assembly, a History of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house, up to the day preceding the publication of such History. A regular form shall be prescribed, and no other form shall be used.

33.—SECRETARY AND CLERK TO KEEP REGISTER.

The Secretary of the Senate and Clerk of the Assembly shall keep a Register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

34.—SECRETARY AND CLERK SHALL INDORSE BILLS.

The Secretary of the Senate and Clerk of the Assembly shall indorse, on every original bill, a statement of any action taken by the Senate and Assembly.

35.—ADJOURNMENT SINE DIE.

An adjournment *sine die* shall only be made by concurrent resolution.

36.—DISPENSING WITH JOINT RULES.

No Joint Rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a Joint Rule, a question of order may be raised in the other house, and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

BETTMAN, Chairman.

On motion of Senator Dickinson, the report of the Committee on Joint Rules was ordered printed in the Journal.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 165—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 257—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Also: Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 46—An Act to provide for the appointment by the Supreme Court of five commissioners to be known as the Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the three first named do pass as amended by Committee on Finance and Claims, and that the last named do pass as amended by Committee on Judiciary.

Also: Senate Bill No. 213—An Act for the relief of W. C. Guirey—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 277—An Act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United States Volunteer Service, in reorganizing the National Guard, and resulting therefrom, and making an appropriation to pay the same, and the committee substitute therefor—have had the same under consideration, and respectfully report the same back, and recommend that the Committee Substitute for Senate Bill No. 277 do pass.

Also: Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with the road called "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor.

Also: Senate Bill No. 117—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Also: Senate Bill No. 121—An Act to appropriate \$10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State parasites and predaceous insects.

Also: Senate Bill No. 211—An Act making an appropriation to pay the claim of Thomas Hatch.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 281—An Act to amend an Act "relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

DICKINSON, Chairman.

Senate Bills Nos. 165, 257, 118, 46, 213, 277, 11, 117, 121, and 211 ordered on file for second reading.

Senate Bill No. 281 re-referred to Committee on Judiciary.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 23, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 182—An Act authorizing cities and towns of the sixth class to obtain by purchase, donation, or devise, lands for cemetery purposes; and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 273—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds, or more, in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 143—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary, and if by it found constitutional that it do pass.

TAYLOR, Chairman.

Senate Bills Nos. 182 and 273 ordered on file for second reading.

Senate Bill No. 143 re-referred to Committee on Judiciary, to report on its constitutionality.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 117—An Act to amend Section 436 of the Civil Code.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 117 read first time, and referred to Committee on Corporations.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, joint resolutions, and constitutional amendments were introduced:

By Senator Leavitt: Senate Bill No. 390—An Act to amend Section 2440 of the Political Code of the State of California, approved March 12, 1872, relating to the appointment of Pilot Commissioners for San Francisco, Mare Island, and Benicia.

Read first time, and referred to Committee on Commerce, Harbors, Rivers, and Coast Defenses.

By Senator Simpson: Senate Bill No. 391—An Act to amend Section 1365 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 392—An Act to amend Section 487 of the Penal Code.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 393 (by request)—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape, and what constitutes the same.

Read first time, and referred to Committee on Judiciary.

By Senator Trout: Senate Bill No. 394—An Act to amend the Penal Code by adding a section thereto, to be numbered 623½, relating to the detention of books and other property belonging to any public or incorporated library, reading room, museum, or other educational institution.

Read first time, and referred to Committee on Public Printing and State Library.

Also: Senate Bill No. 395—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Read first time, and referred to Committee on Public Printing and State Library.

Also: Senate Bill No. 396—An Act making an appropriation to pay the claim of D. E. O'Keefe, for publishing summons in foreclosing interest of delinquent purchasers of State school lands.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 397—An Act to amend Section 1579 of the school law of California.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Cutter: Senate Bill No. 398—An Act to amend Section 5 of an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan; and the conduct of the business of such insurance," approved March 19, 1891.

Read first time, and referred to Committee on Corporations.

By Senator Morehouse: Senate Bill No. 399—An Act adding a new section to the Civil Code of the State of California, to be known as Section 1314.

Read first time, and referred to Committee on Judiciary.

By Senator Hall: Senate Bill No. 400—An Act relating to electric light, telephone, telegraph, and messenger-box telegraph corporations.

Read first time, and referred to Committee on Corporations.

By Senator Sims: Senate Bill No. 401—An Act to amend Section 3818 of the Political Code, said section relating to public lands, and revenue and taxation.

Read first time, and referred to Committee on Judiciary.

By Senator Rowell: Senate Bill No. 402—An Act authorizing the Superintendent of Public Instruction to purchase necessary metallic filing and book-cases, and to refurnish and repair his office, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Davis: Senate Constitutional Amendment No. 12—Relating to the Judicial Department of the Government of the State of California.

Referred to Committee on Judiciary.

By Senator Davis: Senate Constitutional Amendment No. 13—Relating to Clerk and Deputy Clerk of the Supreme Court, and Clerk and Deputy Clerks of the District Courts of Appeal.

Referred to Committee on Judiciary.

By Senator Shortridge: Senate Joint Resolution No. 15—Relative to an amendment to the Constitution, forbidding polygamy within the United States, and making a polygamist ineligible to hold public office.

Joint resolution read, and referred to Committee on Federal Relations and Immigration.

By Senator Boyce: Senate Joint Resolution No. 16—Relative to the subsidizing of American steamship lines.

Joint resolution read, and referred to Committee on Federal Relations and Immigration.

CONSIDERATION OF DAILY FILES—THIRD READING OF BILLS.

Senate Bill No. 96—An Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Laird, La Rue, Leavitt, Luch-singer, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Smith, Taylor, and Trout—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly without delay.

SECOND READING OF BILLS.

Senate Bill No. 19—An Act repealing an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Passed on file, but to retain its place on file.

Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor.

Read second time and ordered to engrossment.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Passed on file, but to retain its place on file.

Senate Bill No. 1—An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses.

Passed on file, but to retain its place on file.

Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

During the second reading of bill, the following committee amendments were submitted:

Amend Section 1 by striking out in lines 4 and 5 of the printed bill, after the word "engines," the words "or by steam."

Amendment adopted.

Also: Amend Section 1 by striking out in line 5, after the word "air," the words "or by any other means."

Amendment adopted.

Also: Amend Section 1 by inserting after the word "engine," in line 4 of the printed bill, the words "or by."

Amendment adopted.

Senator Bulla offered the following amendment:

Amend by striking out of Section 2, lines 4, 5, and 6, all after the word "misdemeanor."

Amendment adopted.

Senator Smith offered the following amendment:

Amend by striking out the word "steam" after the word "stationary," on line 4, Section 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension by the Board of State Harbor Commissioners of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people.

During the second reading of bill, the following committee amendment was submitted:

Amend by inserting after the word "street" the following words: "and northward from its present northerly terminus," on line 6, page 1, printed bill.

Amendment adopted.

Senator Gillette offered the following amendments:

Amend by striking out of Section 1, line 16, page 2, the word "one," and inserting in lieu thereof the word "ten."

Amendment adopted.

Also: Amend by striking out of Section 1, line 17, the words "one thousand," and inserting in lieu thereof the words "one hundred "

Amendment adopted.

Senator Simpson offered the following amendment:

Amend by inserting the following: In Section 3, after the word "dollars," in line 1 of said section, the words "or so much thereof as may be necessary."

Amendment adopted.

At eleven o'clock and fifty minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following: Senate Joint Resolutions Nos. 4 and 6, and Senate Concurrent Resolution No. 3.

Senate Joint Resolution No. 4—Relative to the improvement of Humboldt Bay.

Senate Concurrent Resolution No. 3—Approving the charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for this purpose, on the 21st day of March, 1898.

Senate Joint Resolution No. 6—Relative to the construction of navy yards and ship building.

Senate Bill No. 345—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature.

And report that the same have been correctly enrolled, and presented the same to the Governor, on this 26th day of January, 1899, at eleven o'clock and fifteen minutes A. M.

JONES, Chairman.

MOTION.

Senator Braunhart moved that the further consideration of Senate Bill No. 54 be postponed until to-morrow, and that it retain its place on file.

So ordered.

RECESS.

During discussion of the proposed amendment, the President pro tem. (having resumed the chair at eleven o'clock and fifty-five minutes A. M.), announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Thursday, January 26, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate

the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cospier, Cowan, Crowder, Crowley, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Felix, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kennecally, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—79.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Wednesday, January 25, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, January 25, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senator Davis—1.

For John Rosenfeld—Senator Feeney—1.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators.....	38
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	4 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Thomas R. Bard received.....	2 votes.
Stephen M. White received.....	12 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kennaally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	78
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	18 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	20 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	19 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	116
Necessary to a choice.....	59
W. H. L. Barnes received.....	11 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	13 votes.
D. M. Burns received.....	25 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	27 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Thomas R. Bard received.....	2 votes.
Stephen M. White received.....	31 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Senator

Cutter, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Friday, January 27, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

ANNOUNCEMENT.

TO CHAIRMEN OF COMMITTEES AND COMMITTEE CLERKS.

The President pro tem. informed the Senate and committee clerks that under the Senate rules all bills carrying or proposing an appropriation of State moneys must be referred to the Committee on Finance and Claims before they can be read the second time, and requested that the several committees in their reports should make recommendations for such reference when the rules require it, as the reading of the titles to the bills by the Secretary oftentimes does not afford the presiding officer with enough information to properly judge their different provisions and to intelligently dispose of them—a thorough reading of many bills being necessary to accomplish the desired information. Chairmen of committees and committee clerks are requested to make in their reports all proper recommendations called for by the rules.

ADJOURNMENT.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem., in compliance with the rules of the Senate, declared the Senate adjourned until ten o'clock A. M. of Friday, January 27, 1899.

IN SENATE.

SENATE CHAMBER,
Friday, January 27, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, January 26, 1899, was read.

The Journal of Tuesday, January 24, 1899, was approved.

LEAVE OF ABSENCE.

Senator Chapman was granted a leave of absence for the day, on motion of Senator Luchsinger.

Senator Flint, by reason of illness, was granted a leave of absence, on motion of Senator Stratton.

The Committee on Elections was granted a leave of absence for the day, on motion of Senator Stratton.

PETITIONS.

Senator Trout presented the following petition, which was read and ordered printed in the Journal, to and including the name of the fifth petitioner:

To the Senate and Assembly of the Legislature of California :

We, the undersigned, residents of Watsonville, in the County of Santa Cruz, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

MRS. S. J. KIDDER.

J. L. WINCHEL.

MRS. C. W. BRIDGWATER.

P. M. ANDREWS.

MRS. L. A. WILLITS.

And two hundred and thirty-nine others.

Senator Maggard presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the California Legislature:

Inasmuch as we believe that the safety of the American nation is contingent upon a moral and intelligent citizenship; and

Inasmuch as such citizenship can be created and perpetuated only by providing educational facilities, and opportunities for reflection and the study of public questions; and

Inasmuch as the first is amply secured in the maintenance of the public school system, so dear to American hearts, while there is no adequate provision for the latter;

Therefore, as a step toward the development of a reflective citizenship, we most respectfully urge your honorable bodies to pass a law making one day out of every seven a legal rest day.

And, inasmuch as the first day of the week is most generally observed as a Sabbath, we ask that Sunday be named as such rest day, on the principle that thus the "greatest good to the greatest number" will be secured.

To this end we have directed the officers of this body to sign this document, and forward it to you as the official action of the Methodist Episcopal Church of Chico, California, for the official board of the Methodist Episcopal Church.

SENECA JONES, President.

H. H. CAMPER, Secretary.

Senator Stratton presented the following petition, which was read and ordered printed in the Journal:

OAKLAND, January 26, 1899.

To the Members of the Honorable Senate and Assembly of California:

Sirs: Your petitioners, honorably discharged soldiers (of both sides of the civil war), known as Company A, Veteran Reserves of Oakland, California, would most respectfully represent and pray:

It having come to our knowledge that a certain bill has been introduced prohibiting the wearing of military uniforms by any body of men other than the National Guard of California, etc.;

Therefore, your petitioners would earnestly request that you would use your utmost endeavors to defeat the passage of such measure, or to have an amendment thereto passed which will permit the honorably discharged soldiers of the Civil War who are formed in companies (such as Company A, Veteran Reserves, of Oakland), to wear the uniform of their country, which they served so long and faithfully, and who are now organized to help protect the same and to give honorable and military burial, not only to their old comrades, but to those heroes of the late war with Spain who after serving their country may die from disease or wounds contracted in the line of duty.

This company has now before your honorable bodies an amendment to existing laws whereby they may become recognized in the service of the State as an unattached company.

They were the first organization in the country to offer their services to the Government ten days after the sinking of our battleship Maine.

And now they earnestly pray that, should such measure as first herein referred to be considered, this Company A, Veteran Reserves, of Oakland, be made an exception thereto.

Respectfully, on behalf of the company,

C. K. KING, Captain Commanding.
J. C. DARNALL, First Sergeant.

Senator Sims presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Peachland, in the County of Sonoma, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and at the same time will secure the necessary weekly rest to all classes of weary toilers.

LYMAN HARFORD.
MRS. LAURA L. HARFORD.
MRS. T. H. DAILY.
MRS. M. A. JONES.
MRS. INA COCHRAN.
FANNIE LAPUM.
MRS. FLORA L. LAPUM.

And one hundred and ninety-six others.

Senator Doty presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Sacramento, in the County of Sacramento, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

MRS. MAGGIE WILLIS.
MRS. EVA ASHLEY.
CHARLOTTE A. FROBACK.
MRS. S. G. MERRILL.
MRS. A. C. STALKES.
MRS. R. E. McMULLEN.

And two hundred and forty-eight others.

Senator Smith presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of San Miguel, in the County of San Luis Obispo, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

J. J. COYLE.
B. C. BALLARD.
M. E. PERRY.
R. L. PERRY.

And seventy-nine others.

Senator Bulla presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Los Angeles, in the County of Los Angeles, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

GEO. E. LARKEY.
DELOS JONES.
J. H. MERRILL.
MRS. J. H. MERRILL.
JOHN J. PHILLIPS.

And sixteen hundred and ninety others.

Senator Davis presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Amador, in the County of Amador, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

JAMES JEFFRY.
JOHN HONEYCHURCH.
J. A. BENNETTS.
D. A. LAMBERT.
H. P. PERRYMAN.

And twenty-five others.

Senator Luchsinger presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Vacaville, in the County of Solano, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and at the same time will secure the necessary weekly rest to all classes of weary toilers.

G. M. CHAMBERS.
MRS. E. L. CHAMBERS.
B. B. CONNER.
MRS. ALLIE KIDDER.
MRS. L. M. FLINN.

And one hundred and nineteen others.

Senator Taylor presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Livermore, in the County of Alameda, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

F. A. ARMSTRONG.
F. L. STOWELL.
PETER McKEANY.
J. O. McKOEN.
D. WITHEROW.

And one hundred and sixty-four others.

Senator Nutt presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of San Diego, in the County of San Diego, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements incon-

istent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

J. P. SMITH.
S. F. WHEATON.
HENRY SUTLIFE.
F. A. CROSBY.
W. R. BURS.

And one hundred and eight others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same.

Senate Bill No. 75—An Act making an appropriation to pay the claim of J. W. Sibole.

Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor.

Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

JONES, Chairman.

Senate Bills Nos. 21, 75, 11, and 72 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 156—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian—have had the same under consideration, and respectively report the same back, and recommend that it do pass.

Also: Senate Bill No. 89—An Act to amend Section 1086 of the Code of Civil Procedure, relating to the writ of mandate.

Also: Senate Bill No. 93—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3748, 3754, and 3759 of said Political Code, and by repealing Section 3762 of said code, all relating to revenue and taxation.

Also: Senate Bill No. 129—An Act to regulate the licensing and powers of detectives within the State boundaries of California.

Also: Senate Bill No. 148—An Act to amend Section 657 of the Code of Civil Procedure of the State of California, relative to new trials.

Also: Senate Bill No. 169—An Act to provide for the appointment of State detectives; to establish their duties, and to provide for the payment of their salaries.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 172—An Act to amend an Act entitled "An Act to amend Section 103 of the Code of Civil Procedure of the State of California," approved March 31, 1891, relative to Justices' Courts—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Municipal Corporations.

Also: Senate Bill No. 103—An Act to authorize agricultural societies to borrow money and secure the payment of the same.

Also: Senate Bill No. 145—An Act to amend Section 737 of the Political Code of the State of California, relating to the annual salaries of the Judges of the Superior Court.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be permitted to withdraw the same.

Also: Senate Bill No. 69—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Also: Senate Bill No. 74—An Act to amend Section 456 of the Civil Code.

Also: Senate Bill No. 80—An Act to add a new section to the Civil Code of the State of California, to be numbered 3443.

Also: Senate Bill No. 84—An Act to regulate the practice of horseshoeing in the State

of California, providing for the registration of master and journeymen horseshoers, the appointment of a board of examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

Also: Senate Bill No. 167—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Senate Bill No. 205—An Act to amend an Act of the Legislature entitled "An Act concerning agricultural societies," approved March 12, 1859, and to organize agricultural societies formed under said act, to borrow money and secure the payment of the same, or to sell property to pay the existing debts of said societies.

Also: Senate bill No. 146—An Act to amend Sections 1917, 1918, and 1920 of the Civil Code, relating to legal rates of interest.

Also: Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Also: Senate Bill No. 170—An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts.

Also: Senate Bill No. 173—An Act amending Section 1042 of the Penal Code of the State of California, concerning the mode of trial in criminal cases.

Also: Senate Bill No. 260—An Act entitled "An Act to amend section 756 of the Political Code of the State of California," and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk, the deputy clerks, and the stenographer of the Clerk of the Supreme Court.

Also: Senate Bill No. 261—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California," and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court.

Also: Senate Bill No. 128—An Act to amend Sections 537 and 539 of the Code of Civil Procedure, relating to attachments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

GILLETTE, Chairman.

Senate Bills Nos. 156, 89, 93, 129, 148, 169, 103, 145, 69, 74, 80, 84, 167, 205, 146, 155, 170, 173, 260, 261, and 128 ordered on file for second reading.

Senate Bill No. 172 re-referred to Committee on Municipal Corporations.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 217—An Act amending Section 2 of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 30, 1874, relating to the taking of samples from mines, and for the better protection of stockholders in mining corporations.

Also: Senate Bill No. 265—An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations.

Also: Senate Bill No. 266—An Act to amend Section 317 of the Civil Code, relating to the validity of the meetings of corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bills Nos. 217, 265, and 266 ordered on file for second reading.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 81—An Act relating to the compensation of County Recorders in counties where their compensation is fees only, instead of salary.

Also: Senate Bill No. 52—An Act to establish, ratify, and confirm the north boundary line of Mendocino County, between the counties of Mendocino and Trinity, as the same was surveyed and established by S. H. Rice, between September 1, 1891, and December 18, 1891, to be the true boundary line between the counties of Mendocino and Trinity, State of California.

Also: Senate Bill No. 90—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners (approved March 4, 1881. Statutes 1881, p. 26), relating to assessing and collecting said taxes.

Also: Senate Bill No. 102—An Act empowering Boards of Supervisors to construct,

reconstruct, and change the location of and enter into contracts concerning bridge or bridges across navigable streams or waterways in this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOREHOUSE, Chairman.

Senate Bills Nos. 81, 52, 90, and 102 ordered on file for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 248—An Act to amend Sections 3747, 3805, and 3817 of the Political Code, relating to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

Also: Senate Bill No. 222—An Act to amend Section 2 of an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Also: Senate Bill No. 223—An Act authorizing and directing the transfer of \$40,000 from the Railway Tax Contingent Fund to the State School Fund, in compliance with the provisions of Section 3668 of the Political Code.

Also: Senate Bill No. 224—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

Also: Senate Bill No. 225—An Act transferring from the Estate of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest bearing bonds, to be held in trust for the benefit of the State School Fund.

Also: Senate Bill No. 272—An Act making an appropriation to pay the claim of the Bulletin for advertising the constitutional amendments for the year 1896.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 101—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DICKINSON, Chairman.

Senate Bill No. 248 referred to Committee on Judiciary.

Senate Bills Nos. 222, 223, 224, 225, 272, and 101 ordered on file for second reading.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 44—An Act entitled an Act to amend an Act to prevent sheep and goats being herded or running at large in certain portions of Lake County—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

NUTT, Chairman.

Senate Bill No. 44 re-referred to Committee on Judiciary.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 22—An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Also: Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Also: Assembly Bill No. 108—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd, by the State Board of Examiners, and to appropriate money therefor.

Also: Assembly Bill No. 243—An Act conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

C. W. KYLE, Chief Clerk
By H. S. WANZER, Assistant Clerk.

Assembly Bills Nos. 22, 62, 108, and 243 read first time, and referred to Committee on Finance and Claims.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Braunhart: Senate Bill No. 403—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease by railroad corporations created under the laws of this State, or by any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carriers in this State, or any or all of the property and franchises owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or of any other State or Territory, or of the United States, which is now, or hereafter may be, doing business as a common carrier in this State, and authorizing the sale or lease by any such corporation as above mentioned, of any such property or franchises, or both, which it may now own, use or hold wholly or partially in this State, for and during the period of three years from and after the passage of this Act within which to purchase or lease such property, and making it unlawful for any railroad corporation to increase the freights and fares above the rates now established, or which may be established prior to such sale or lease, or for two or more railroad corporations to combine or be jointly interested in such purchase or lease, and providing as a penalty for the violation of this Act the forfeiture of the franchises of offending railroad corporations, and directing the Attorney-General to institute proceedings for such forfeiture.

Read first time, and referred to Committee on Corporations.

By Senator Dickinson: Senate Bill No. 404—An Act to amend Section 472, and to repeal Section 3857, both of the Political Code of California.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 405—An Act to repeal Section 3840 of the Political Code of California.

Read first time, and referred to Committee on Judiciary.

By Senator Leavitt (by request): Senate Bill No. 406—An Act for the relief of Mrs. Emma Kelly, and to appropriate money therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Luchsinger: Senate Bill No. 407—An Act to establish a State Board of Charities and Corrections, prescribing its duties, and appropriating money therefor.

Read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Bill No. 408—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys,

courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read first time, and referred to Committee on Municipal Corporations.

CONSIDERATION OF DAILY FILES—THIRD READING OF BILLS.

Senate Bill No. 91—An Act to prevent deception in the sale of process or renovated butter.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Curtin, Davis, Dickinson, Doty, Dwyer, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd by the State Board of Examiners, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Davis, Dickinson, Doty, Dwyer, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 19—An Act repealing an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Passed on file, but to retain its place on file.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Passed on file, but to retain its place on file.

Senate Bill No. 1—An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses.

Senator Dickinson moved that Senate Bill No. 1 be denied a second reading.

Motion carried.

Senate Bill No. 1 ordered stricken from the file.

Committee Substitute for Senate Bill No. 277—An Act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United States Volunteer Service; also, the expenses incurred in

reorganizing the National Guard, and to result therefrom, and making an appropriation to pay the same.

Read second time, and ordered to engrossment.

Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension by the Board of State Harbor Commissioners of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people.

During the second reading of bill, Senator Bulla offered the following amendment:

Amend by striking out of Section 1, line 19, the word "four," and inserting the following: "three and one half."

Amendment adopted.

Also: Amend by inserting in Section 4, line 34, after the word "said" the following: "*And provided further, that the State of California shall be a preferred purchaser at par of the whole, or any portion, of any issue of said bonds.*"

Senator Rowell offered the following amendment to the above amendment:

Amend the amendment by adding, after the words "State of California," "and the Regents of the University of California."

Amendment to the amendment lost.

The question being on the adoption of the amendment by Senator Bulla.

The ayes and noes were demanded by Senators Bulla, Cutter, and Prisk.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Cutter, Doty, Dwyer, Feeney, Hall-Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace-Prisk, Rowell, Taylor, and Trout—23.

NOES—Senators Bettman, Simpson, and Smith—3.

Senator Smith offered the following amendments:

Amend by striking out of Section 10, line 6, all after the word "acts" down to the word "the," line 10, and inserting the following: "The ballots used at said election shall contain the words 'For the San Francisco Seawall and Thoroughfare Act,' and the words 'Against the San Francisco Seawall and Thoroughfare Act.'"

Amendment adopted.

Also: Amend by striking out all of Section 12.

Amendment adopted.

Also: Amend by renumbering Sections 13 and 14, making them Sections 12 and 13.

Amendment adopted.

Senator Cutter offered the following amendment:

Amend by striking out of Section 1, line 19, the words "three and one half," and inserting the word "three."

The question being on the adoption of the amendment by Senator Cutter.

The ayes and noes were demanded by Senators Cutter, Bulla, and Prisk.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Bulla, Cutter, Jones, Luchsinger, Maggard, Prisk, Simpson, Taylor, and Trout—9.

NOES—Senators Bettman, Boyce, Braunhart, Burnett, Dickinson, Doty, Dwyer, Feeney, Hall, Hoey, Laird, La Rue, Leavitt, Morehouse, Nutt, Rowell, and Smith—17.

Senator Smith moved that the bill be denied engrossment.

The ayes and noes were demanded by Senators Smith, Braunhart, and Bulla.

The roll was called, and the motion lost by the following vote:

AYES—Senators Cutter, Laird, and Simpson—3.

NOES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin, Davis, Doty, Dwyer, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

POINT OF ORDER.

During the roll call, Senator Smith arose to explain his vote.

Senator Bulla made the point of order that a Senator cannot explain his vote during roll call.

The President decided the point of order well taken.

Bill ordered to print and engrossment.

EXPLANATION OF VOTE.

At the conclusion of the roll call, Senator Smith explained his vote as follows:

I vote "no" because I am willing that so important a measure should have full consideration. I made the motion solely for the purpose of having an opportunity to present, in a parliamentary manner, my present views, and to ask for further information.

RECESS.

At eleven o'clock and fifty-five minutes A.M., the President announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, January 27, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Jacob H. Neff, President of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Green, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsev, Kenneally, Knights, Knowland, La Barre, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—76.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Thursday, January 26, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, January 26, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Thomas R. Bard—Senator Rowell—1.
For Stephen M. White—Senators Ashe, Braunhart, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—11.

Whole number of votes cast by Senators	36
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	1 votes.
Stephen M. White received	11 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Henry, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—16.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, De Lancie, Huber, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—18.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

For E. P. Mogan—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	74
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	16 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	18 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	19 votes.
E. P. Mogan received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	110
Necessary to a choice.....	56
W. H. L. Barnes received.....	11 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	13 votes.
D. M. Burns received.....	23 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	25 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	1 vote.
Thomas R. Bard received.....	1 vote.
Stephen M. White received.....	30 votes.
E. P. Mogan received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Saturday, January 28, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

Quorum present.

SPECIAL ORDER.

On motion of Senator Dickinson, consideration of the Joint Rules, as published in the Journal of Thursday, January 26, 1899, was made a special order for ten o'clock of Saturday, January 28, 1899.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered by Senator Stratton:

Resolved, That the Committee on Elections be and are hereby allowed to draw upon the Secretary of State for all necessary stationery and supplies for use in the election contest pending before said committee.

Resolution adopted.

Also:

Resolved, That the Judiciary Committee of the Senate be and it is hereby requested to report to the Senate with all convenient dispatch as to the constitutionality of any amendments to the County Government Act increasing the number of deputies of any officer, and providing for the compensation of such deputies without adding or imposing any additional duties upon any such officer. Such report by the Senate Judiciary Committee to have reference, among other things, to the provisions of Section 215 of the County Government Act, so called.

Resolution adopted.

LEAVE OF ABSENCE.

Senator Dwyer asked for, and was granted, a leave of absence until Monday, January 30, 1899.

Senator Prisk asked for, and was granted, a leave of absence until Tuesday, January 31, 1899.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Doty, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 42—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Also: Assembly Bill No. 145—An Act to amend Section 3400 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the land owners before the Commissioners of Assessment in relation to such assessments.

Also: Assembly Bill No. 52—An Act to reduce the number of Judges of the Superior Court of San Bernardino County to one.

Also: Assembly Bill No. 113—An Act to amend Section 1050 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 163—An Act to amend Section 1033 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service and affidavit of bill of costs and motion to retax same.

Also: Assembly Bill No. 265—An Act to amend Section 591 of the Code of Civil Procedure, relating to the manner of bringing an issue to trial.

Also: Assembly Bill No. 69—An Act to amend Section 1762 of an Act entitled "An

Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Also: Assembly Bill No. 68—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian.

Also: Assembly Bill No. 2—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

Assembly Bill No. 42 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 145 read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

Assembly Bill No. 52 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bills Nos. 113, 163, 265, 69, and 68 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2 read first time, and referred to Committee on State Prisons and Prison Buildings.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Committee Substitute for Senate Bill No. 277—An Act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United States volunteer service; also, the expenses incurred in reorganizing the National Guard and to result therefrom, and making an appropriation to pay the same.

JONES, Chairman.

Committee Substitute for Senate Bill No. 277 ordered on file for third reading.

ADJOURNMENT.

At twelve o'clock and fifty minutes P. M., on motion of Senator Morehouse, the Senate was declared adjourned until ten o'clock A. M. of Saturday, January 28, 1899.

IN SENATE.

SENATE CHAMBER,

Saturday, January 28, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING OF JOURNAL.

The Journal of Friday, January 27, 1899, was read.

LEAVE OF ABSENCE.

Senator Hoey was granted a leave of absence for the day, on motion of Senator Wolfe.

Senator Curtin was, on his own motion, granted a leave of absence until Thursday, February 2, 1899.

SPECIAL ORDER.

The consideration of the report of the Committee on Joint Rules, proposing a set of Joint Rules for Senate and Assembly (printed in Journal of Thursday, January 26, 1899), heretofore set as a special order for this hour, was taken up.

The report of the Committee on Joint Rules, as printed in the Journal of Thursday, January 26, 1899, was adopted.

PETITIONS.

Senator Jones presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Orange, Riverside, and San Bernardino counties, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

GUY L. FRAZER.

G. A. CLEVELAND.

And three thousand five hundred others.

Senator Bulla presented a like petition, signed by 1,420 residents of Los Angeles County.

Senator Smith presented a like petition, signed by 132 residents of Kern County.

RESOLUTION.

By Senator Cutter:

Information of the death of Hon. Ramualdo Pacheco, at his residence in Oakland on Tuesday, January 24, 1899, having been received, and as the deceased has held important positions in this commonwealth, commencing with membership of the Assembly and Senate followed by those of State Treasurer, Lieutenant-Governor, and Governor, also Member of the House of Representatives, closing his official career as Minister from the United States to a leading Central American republic, the functions of all of which responsible positions he administered with credit alike to himself and the government represented; therefore, be it

Resolved, That this body, over which the deceased presided early in the history of his official career, deeply deploras his loss, cut off in the prime of manhood, and sincerely sympathizes with the relatives of the departed in their saddening bereavement, and that when the Senate closes its session to-day it adjourn as a mark of respect to the memory of the deceased:

Resolved, That a copy of these proceedings, signed by the presiding officer and Secretary of the Senate, be transmitted to the widow of the deceased.

Resolution read, and, on motion of Senator Simpson, unanimously adopted by a rising vote.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 28, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 249—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending Section 3 thereof, relating to the enumeration of the inhabitants of a city or town—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute do pass.

Also: Senate Bill No. 68—An Act to amend Section 2 and Section 38 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, concerning changes in the grade of streets.

Also: Senate Bill No. 229—An Act to provide for the disposal of money raised by cities or towns for public improvement after the same has been completed and paid for.

Also: Senate Bill No. 231—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 8—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendments thereto, approved March 19, 1889, and March 26, 1895, respectively—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 172—An Act to amend an Act entitled "An Act to amend Section 103 of the Code of Civil Procedure of the State of California," approved March 31, 1891, relative to Justices' Courts—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same, the provisions having been included in Substitute for Senate Bill No. 105.

TAYLOR, Chairman.

Senate Bills Nos. 249, 105, 68, 229, 231, and 8 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 28, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contest in the case of Leon Dennery, contestant, versus R. Porter Ashe, contestee, for the office of State Senator for the Twenty-fourth Senatorial District, from the City and County of San Francisco, respectfully report that immediately upon receiving the papers, testimony, and record of proceedings in the cause, they went into session and considered both the facts and the law, as shown by the depositions of witnesses, and oral and documentary proof. The cause as to the law and facts was argued by counsel for the respective parties. Upon the submission of the cause your committee were unanimously of the opinion that the contestant, Leon Dennery, had not substantiated his right to the office of State Senator in and for the Twenty-fourth Senatorial District; and your committee were further unanimously of the opinion that the contestee, R. Porter Ashe, was entitled to sit and to hold said office.

Your committee therefore recommends that the contest initiated by the said Leon Dennery be dismissed, and the prayer of his petition denied, and they further recommend that the right of the said R. Porter Ashe to sit as State Senator aforesaid, and to perform the duties of, and to enjoy the privileges of such office, be confirmed.

STRATTON, Chairman.

Report adopted.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 110—An Act to amend Sections 1373, 1633, 1552, 1668, and 1699 of the Code of Civil Procedure.

Also: Senate Bill No. 143—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes.

Also: Senate Bill No. 203—An Act to amend Section 377 of the Code of Civil Procedure, relating to actions for damages.

Also: Senate Bill No. 216—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Also: Senate Bill No. 268—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 1745 and 1746 respectively, relating to the appointment of Public Administrators as guardians of the estates, or the persons and estates, of minors and insane persons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 243—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Also: Committee Substitute for Senate Bill No. 137—An Act to prohibit the wearing of the insignia, badges, links, buttons, uniform, or other emblems of secret societies, and the use thereof to obtain aid or assistance by persons not members thereof, and to punish for the violation of this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended by committee.

GILLETTE, Chairman.

Senate Bills Nos. 110, 143, 203, 216, 268, 243, 202, and Committee Substitute for Senate Bill No. 137 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 28, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 179—An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs, by transportation companies in the State of California, and fixing a penalty for failure to comply thereto.

Also: Senate Bill No. 180—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Also: Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases.

Also: Senate Bill No. 357—An Act to amend Sections 628 and 630 of an Act of the Legislature of the State of California, entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 291—An Act to provide for the organization of mutual corporations to transact the business of life, health, and accident insurance on the stipulated premium plan, and the conduct of the business of such corporations, and to repeal an Act entitled "An Act relating to life, health, accident, annuity, or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 192—An Act to amend Section 312 of the Civil Code, relative to the election of directors of corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

SIMPSON, Chairman.

Senate Bills Nos. 179, 180, 339, 357, 192, and 291 ordered on file for second reading.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 235—An Act to amend an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn

land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, by amending Sections 2, 3, and 4 thereof so as to provide for the improvement and protection of the navigable channels and harbors of this State.

Also: Senate Bill No. 267—An Act to amend Section 3491 of the Political Code of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitutes do pass.

MAGGARD, Chairman.

Substitutes for Senate Bills Nos. 235 and 267 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 28, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people.

JONES, Chairman.

Senate Bill No. 54 ordered on file for third reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 28, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 242—An Act authorizing a party required to give bonds or undertaking to agree with his sureties for the deposit or withdrawal of any or all moneys or assets for which such sureties are or may be held responsible—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

DICKINSON, Chairman.

Senate Bill No. 242 referred to Committee on Judiciary.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, January 28, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 361—An Act relative to the meeting place of High School Boards within municipal corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 34—An Act to establish a State Normal School in the City and County of San Francisco, State of California, and making an appropriation of \$150,000—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance and Claims.

Also: Senate Bill No. 139—An Act prohibiting the sale of adulterated cigarettes, and providing a legal sanction.

Also: Senate Bill No. 158—An Act relating to the sale of cigarettes, requiring all persons who sell cigarettes at retail to obtain a license and pay a license tax therefor, providing for the issuance of such license, and a penalty for violating the provisions of the Act.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 350—An Act prohibiting officers and employes of State institutions visiting or being at Sacramento during the session of the Legislature, unless required by the Governor, by the Legislature, or either house thereof, or by a committee of the Legislature, and for the betterment of the public service—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 333—An Act to amend Section 1857 of the Political Code, relating to public schools—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

BOYCE, Chairman.

Senate Bills Nos. 361, 139, 158, and 350 ordered on file for second reading.

Senate Bill No. 34 referred to Committee on Finance and Claims.

WITHDRAWAL OF BILL.

Senator Hall asked for, and was granted, unanimous consent to withdraw Senate Bill No. 333.

Senate Bill No. 333 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 378—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors, and by the municipal authorities of cities and towns, to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations when found necessary, without offering the same for sale, excepting from the operation of this Act any property under the jurisdiction or control of any Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOREHOUSE, Chairman.

Senate Bill No. 378 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 33—An Act to authorize agricultural societies to borrow money and secure the payment of the same.

Also: Assembly Bill No. 229—An Act to select and adopt the golden poppy as the State flower of California.

Also: Assembly Bill No. 273—An Act to amend Sections 2, 3, 4, and 5 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Assembly Bill No. 293—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Also: Assembly Bill No. 160—An Act to appropriate \$10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries to collect and import into this State parasites and predaceous insects.

Also: Assembly Bill No. 84—An Act to provide for a lunch hour for laborers in saw-mills, shingle-mills, shakemills, and logging camps.

Also: Assembly Bill No. 149—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Assembly Bill No. 45—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Also: Assembly Bill No. 324—An Act to change and permanently locate the boundary line between the counties of Shasta and Lassen.

Also: Assembly Bill No. 103—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts and protection districts for non-user of corporate powers.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bills Nos. 33, 293, and 160 read first time, and referred to Committee on Finance and Claims.

Assembly Bills Nos. 229 and 149 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 273 and 45 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 84 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 324 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bill No. 103 read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills and constitutional amendment were introduced:

By Senator Wolfe: Senate Bill No. 409—An Act to prohibit the issuance or use of trading stamps.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Also (by request): Senate Bill No. 410—An Act to amend an Act entitled "An Act to provide for furnishing assistants to the Coroner of each city and county having one hundred thousand, or more, inhabitants, and providing the mode in which said assistants shall be appointed and designated, and establishing the compensation and prescribing the duties of such assistants," approved March 23, 1893.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Hall: Senate Bill No. 411—An Act to amend Section 1857 of the Political Code, relating to public schools.

Read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 412—An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to appointment of special administrators of the estates of deceased persons.

Read first time, and referred to Committee on Judiciary.

By Senator Doty: Senate Bill No. 413—An Act to regulate the purchase, sale, and transfer of stocks of goods, wares, and merchandise in bulk.

Read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Bill No. 414—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Read first time, and referred to Committee on Judiciary.

By Senator Luchsinger: Senate Bill No. 415—An Act making an appropriation for improving, enlarging, and equipping the State Fish Hatcheries at Sisson and Price Creek.

Read first time, and referred to Committee on Forestry, Fish, and Game.

By Senator Maggard: Senate Bill No. 416—An Act to amend Sections 5 and 6 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Bettman: Senate Bill No. 417—An Act to pay the claim of Gaston Goldsmith against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Brauhart: Senate Bill No. 418—An Act to add a new

section to the Political Code, to be known as Section 1890, relating to fire escapes on school buildings.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

Read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Constitutional Amendment No. 14—Relative to the exemption from taxation of all bonds issued by the State, or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district within said State.

Referred to Committee on Judiciary.

At eleven o'clock A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth District, in the chair.

CONSIDERATION OF DAILY FILES—THIRD READING OF BILLS.

Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof: to provide the penalty therefor, and to appropriate money to enforce the same.

Passed on file, but to retain place on file.

Senate Bill No. 75—An Act making an appropriation to pay the claim of J. W. Sibole.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Feeney, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Stratton, Taylor, Trout, and Wolfe—28.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

Passed on file, but to retain place on file.

Substitute Senate Bill No. 277—An Act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United

States Volunteer service, also the expenses incurred in reorganizing the National Guard and to result therefrom, and making an appropriation to pay the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Wolfe—26.

NOES—Senators Braunhart, Bulla, Burnett, Smith, and Trout 5.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 19—An Act repealing an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

During the second reading of bill, Senator Cutter offered the following substitute:

An Act to amend an Act to regulate the width of tires of wagons to be used on the public highways of the State of California, approved March 20, 1897, by adding a new section limiting its operation.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section, to be numbered three and one half, is hereby added to an Act to regulate the width of tires of wagons to be used on the public highways of the State of California, approved March 20, 1897, to read as follows:

Section 3½. The provisions of this Act shall not apply to altitudes greater than five hundred feet above sea level.

Substitute read and adopted.

Senator Simpson offered the following amendment to the substitute:

Amend by striking out of Section 3½ the words "five hundred" and inserting the words "one thousand."

Amendment adopted.

Substitute read second time, and ordered to print and engrossment.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Passed on file, but to retain place on file.

Senate Bill No. 37—An Act making an appropriation to pay the claim of F. P. Otis for costs of suit in foreclosing delinquent purchases of State school lands.

Read second time, and ordered to engrossment.

Senate Bill No. 30—An Act concerning elections, and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections.

During the second reading of bill, the following committee amendments were submitted:

AMENDMENT No. 1.

Strike out the title, and insert in lieu thereof the following: "An Act adding sixteen new sections to the Political Code, to be numbered consecutively 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, and 1381, concerning elections and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections."

Amendment adopted.

AMENDMENT No. 2.

After the words "do enact as follows," insert a new section, to be known and designated as Section 1, as follows: "Section 1. Sixteen new sections are hereby added to the Political Code, to be numbered consecutively 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, and 1381, as follow:"

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "Section 1," on line 1, page 1 of the printed bill, and inserting in lieu thereof the following: "Section 2. Section 1366."

Amendment adopted.

AMENDMENT No. 4.

Strike out the words "Section 2," on line 7 of page 1 of the printed bill, and insert in lieu thereof the following: "Section 3. Section 1367."

Amendment adopted.

AMENDMENT No. 5.

Strike out the words "Section 3," on line 1 of Section 3 of page 2 of the printed bill, and insert in lieu thereof the following: "Section 4. Section 1368."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the word "to," on line 10, Section 3, page 2, of the printed bill, and inserting in lieu thereof the word "shall."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out all on line 14, Section 3, page 2, of the printed bill, commencing with the words, "and any person," to and inclusive of the words "general election laws" on line 31, Section 3, of page 3, of the printed bill, and inserting in lieu thereof the following: "That the primary precinct election officers shall be an inspector, two judges, two clerks and one ballot clerk for each primary election precinct; *provided*, that the same person shall not, without his consent, be compelled to serve as such primary precinct election officer more than once in every two years."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the words "Section 4," on line 1 of Section 4 of page 3, and inserting in lieu thereof the following: "Section 5. Section 1369."

Amendment adopted.

AMENDMENT No. 9.

On line 24 of Section 4 of page 3 of the printed bill, after the words "returns and," insert the following: "shall, within five days."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the words "Section 5," on line 1 of page 4 of the printed bill, and inserting in lieu thereof the following: "Section 6. Section 1370."

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out the comma after the word "vention," on line 22 of page 4 of the printed bill.

Amendment adopted.

AMENDMENT No. 12.

Amend by striking out the word "convention," on line 22 of page 4 of the printed bill, and inserting in lieu thereof the following: "conventions."

Amendment adopted.

AMENDMENT No. 13.

Amend by adding on line 38 of page 4 of the printed bill, after the words "Assembly district," the following: "nor such as to allow voters in different counties to vote for the same delegate or delegates."

Amendment adopted.

AMENDMENT No. 14.

Amend by striking out the word "party," on line 3 of page 5 of the printed bill, and inserting in lieu thereof the following: "parties."

Amendment adopted.

AMENDMENT No. 15.

Amend by adding after the word "nominating," on line 54 of Section 5 as found upon page 5 of the printed bill, the word "state."

Amendment adopted.

AMENDMENT No. 16.

Amend by striking out the word "Assemblymen," on line 54 of Section 5, to be found upon page 5 of the printed bill, and inserting in lieu thereof the following: "members of the Assembly."

Amendment adopted.

AMENDMENT No. 17.

Amend by striking out, on line 59 of Section 5, to be found on page 5 of the printed bill, the following: "where the same have already been established."

Amendment adopted.

AMENDMENT No. 18.

Amend by striking out the words "Section 6," on line 1 of Section 6, on page 5 of the printed bill, and inserting in lieu thereof the following: "Section 7."

Amendment adopted.

AMENDMENT No. 19.

Amend by striking out the words "Section 7," on line 1 of Section 7 of page 6 of the printed bill, and inserting in lieu thereof the following: "Section 8. Section 1372."

Amendment adopted.

AMENDMENT No. 20.

Amend by striking out the word "a" in the printed bill, on line 21 of Section 7, page 7, and inserting in place thereof the word "such."

Amendment adopted.

AMENDMENT No. 21.

Amend by striking out on page 7, line 31, of Section 7 of the printed bill, the words "parties who," and inserting in lieu thereof the following: "the political parties which."

Amendment adopted.

AMENDMENT No. 22.

Amend by striking out on page 7, line 33, of Section 7 of the printed bill, the word "who," and inserting in lieu thereof the word "which."

Amendment adopted.

AMENDMENT No. 23.

Amend by striking out the words "Section 8," on line 1 of Section 8, on page 7 of the printed bill, and inserting in lieu thereof the following: "Section 9. Section 1373."

Amendment adopted.

AMENDMENT No. 24.

Amend by striking out on page 7, from lines 3, 4, and 5, of Section 8 of the printed bill, the words: "proceed to appoint and qualify the proper number of primary election officers for each precinct, which primary election precinct," and inserting in lieu thereof the words: "appoint the proper number of primary election officers for each primary election precinct which."

Amendment adopted.

AMENDMENT No. 25.

Amend by striking out the word "governing" on line 1, page 8, of the printed bill.

Amendment adopted.

AMENDMENT No. 26.

Amend by adding on line 2 of page 8 of the printed bill, after the words "permit the" the following: "apportionment of delegates and the."

Amendment adopted.

AMENDMENT No. 27.

Amend by striking out the words "Section 9," on line 1 of Section 9, on page 8 of the printed bill, and inserting in lieu thereof the following: "Section 10. Section 1374."

Amendment adopted.

AMENDMENT No. 28.

Amend by adding on line 1, Section 9, on page 8 of the printed bill, after the words "shall have" the word "only."

Amendment adopted.

RECESS.

During discussion of the proposed amendments, Hon. S. C. Smith, State Senator from the Thirty-fourth District, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,)
Saturday, January 28, 1899. }

The hour of twelve o'clock m. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Jacob H. Neff, President of the Senate, and Hon. Howard E. Wright, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Atherton, Barry, Beecher, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowly, De Lancie, Devoto, Dibble, Dunlap, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights,

Knowland, La Baree, Lardner, Lundquist, Mack, McDonald of Tulolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—70.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Friday, January 27, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, January 27, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
 For *R. N. Bulla*—Senators Currier, Gillette, Simpson, and Taylor—4.
 For *D. M. Burns*—Senators Bettman, Burnett, Laird, Leavitt, Shortridge, and Wolfe—6.
 For *U. S. Grant, Jr.*—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
 For *Irving M. Scott*—Senator Davis—1.
 For *John Rosenfeld*—Senator Feeney—1.
 For *Thomas R. Bard*—Senator Rowell—1.
 For *Stephen M. White*—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Hall, La Rue, Pace, and Sims—9.

Whole number of votes cast by Senators.....	33
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	4 votes.
D. M. Burns received.....	6 votes.
U. S. Grant, Jr., received.....	7 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Thomas R. Bard received.....	1 vote.
Stephen M. White received.....	9 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knights, and Lardner—5.
 For *M. M. Estee*—Mr. Wade—1.
 For *R. N. Bulla*—Messrs. Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—8.
 For *D. M. Burns*—Messrs. Barry, Beecher, Cobb, Dibble, Jilson, Johnson, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—15.
 For *C. N. Felton*—Mr. Brown—1.
 For *U. S. Grant, Jr.*—Messrs. Blood, Cargill, Chynoweth, Crowder, De Lancie, Greenwell, Huber, McDonald of Tulolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—15.
 For *Irving M. Scott*—Mr. Dunlap—1.

For Stephen M. White—Messrs. Boone, Burnett, Caminetti, Cowan, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, and White—17.

For Marion De Vries—Mr. Brooke—1.

For John Rosenfeld—Mr. Crowley—1.

For H. C. Gesford—Mr. Wardell—1.

Whole number of votes cast by Assemblymen.....	66
W. H. L. Barnes received.....	5 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	8 votes.
D. M. Burns received.....	15 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	15 votes.
Irving M. Scott received.....	1 vote.
Stephen M. White received.....	17 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	1 vote.
H. C. Gesford received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	99
Necessary to a choice.....	50
W. H. L. Barnes received.....	9 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	12 votes.
D. M. Burns received.....	21 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	22 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Thomas R. Bard received.....	1 vote.
Stephen M. White received.....	26 votes.
H. C. Gesford received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Senator Cutter, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Monday, January 30, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—28.

At twelve o'clock and forty minutes P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 30—An Act concerning elections and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections.

The following additional committee amendments were submitted:

AMENDMENT No. 29.

Amend by striking out the word "ballot," on line 2 of Section 9, page 8 of the printed bill, and inserting in lieu thereof the word "ballots."

Amendment adopted.

AMENDMENT No. 30.

Amend by striking out the comma after the word "entitled," in line 6 of Section 9, page 8, of the printed bill.

Amendment adopted.

AMENDMENT No. 31.

Amend by striking out the comma after the word "respectively," in line 6 of Section 9, page 8, of the printed bill.

Amendment adopted.

AMENDMENT No. 32.

Amend by striking out the period after the word "headlines," on page 8, Section 9, line 10, and insert a comma in lieu thereof.

Amendment adopted.

AMENDMENT No. 33.

Amend by adding on line 10, Section 9, page 8 of the printed bill, after the words "and headlines," the following: "so that there shall be one column for each political party participating."

Amendment adopted.

AMENDMENT No. 34.

Amend by adding on line 28, Section 9, of page 9 of the printed bill, after the words "one convention," the following: "The form of such ballot shall be substantially as follows, adding thereto other columns, designations of conventions, and other matters herein provided, all as may be necessary."

PRIMARY ELECTION, TUESDAY, AUGUST 30, 1899.

-----COUNTY.

-----ASSEMBLY DISTRICT
(Ward, township, or other territorial.)

Election Precinct No.

Vote for delegates to the respective convention of one party only.

If any party committee calls for election of different delegates to district, senatorial, assembly, or other subdivisions of local conventions, or if delegates are to be elected to city conventions, then have ballots so show.

Republican Delegates.	Democratic Delegates.	People's Party Delegates.
For Delegates to Republican State and District Conventions. (Vote for 8 delegates only.)	For Delegates to Democratic State and District Conventions. (Vote for 8 delegates only.)	For Delegates to People's Party State and District Conventions. (Vote for 8 delegates only.)
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For Delegates to Republican Local (County or City and County) Conventions and subdivisions thereof. (Vote for 5 delegates only.)	For Delegates to Democratic Local (County or City and County) Conventions and subdivisions thereof. (Vote for 5 delegates only.)	For Delegates to People's Party Local (County or City and County) Conventions and subdivisions thereof. (Vote for 5 delegates only.)
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Amendment adopted.

AMENDMENT No. 35.

Amend by striking out the words "Section 10," on line 1, Section 10, page 9 of the printed bill, and inserting in lieu thereof the following: "Section 11. Section 1375."

Amendment adopted.

AMENDMENT No. 36.

Amend by striking out the words "Section 11," on line 1 of Section 11 of Page 9 of the printed bill, and inserting in lieu thereof the following: "Section 12. Section 1376."

Amendment adopted.

AMENDMENT No. 37.

Amend by striking out the words "Section 12" on line 1 of Section 12, page 9 of the printed bill, and inserting in lieu thereof the following: "Section 13. Section 1377."

Amendment adopted.

AMENDMENT No. 38.

Strike out all of Sections 13 and 14 of the printed bill as found on page 10 thereof, and insert in lieu thereof the following:

"SEC. 14. Section 1378. No convention shall be illegal because of a failure of any precinct or political division to elect delegates thereto. A majority of delegates chosen shall constitute a quorum, and each convention shall be the judge of the election and qualification of its members, but must not admit delegates unless they were elected under this Act.

"SEC. 15. Section 1379. Immediately upon making out the credentials of any delegates elected under this law, the clerk shall mail to the secretary of each political party or organization which participated in the primary a complete list of all delegates, to whom credentials shall have been given as herein provided, and said clerk must, in a proper book to be kept by him, record the names of all delegates elected, with the vote received by each, specifying those to whom credentials have been given, stating when and where such credentials were issued, delivered or mailed, and if any delegate entitled to credentials shall not have received his credentials, or shall have lost the same, said clerk must, upon request, issue a new credential to such delegate, which must be stamped 'duplicate.'

"SEC. 16. Section 1380. Any person so chosen to act as a primary election officer who shall willfully fail or refuse to act in the capacity for which he is chosen, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than two hundred dollars, or by imprisonment for not less than five days nor more than twenty days, or by both said fine and imprisonment. Any act declared to be an offense by the general laws concerning elections in this State is hereby declared to be an offense in all primary elections, and shall be punishable in the same manner, and with like penalties, as are prescribed for the punishment of all similar offenses against the general election law.

"SEC. 17. Section 1381. When there shall not be in any city, county, or city and county, any Board of Election Commissioners as such, then all duties enjoined and powers conferred herein upon such Board of Election Commissioners shall be enjoined and conferred upon and performed by the Common Council or Board of Trustees of a city, or Board of Supervisors of a county, or city and county, in each case respectively, as hereinbefore specified."

Amendment adopted.

AMENDMENT No. 39.

"SEC 18. This Act shall take effect immediately."

Amendment adopted.

AMENDMENT No. 40.

Amend Senate Bill No. 30 by adding on page 8, line 13, Section 9 of the printed bill, after the words "his choice," the following: "provided, that on any such slip there may be printed a designation of the convention to which the delegates are to be elected, a statement of any principle which they represent, and the names of any candidates for nomination for office whom they favor or advocate."

Amendment adopted.

Senator Stratton offered the following amendments:

Amend by striking out the words "and any such ballot shall be disregarded and not counted," on lines 25 and 26 of Section 9 of the printed bill, and inserting in lieu thereof the following: "Any ballot not conforming hereto shall be disregarded. In case of a tie vote between candidates for delegates so that it cannot be determined who is elected, such fact must be reported and certified to such candidates and to the secretary of the proper party committee, and the convention may determine the respective rights of such candidates to sit or act in the convention."

Amendment adopted.

Also: Amend by inserting after the words "in this Act," on line 10, Section 3, on page 2 of the printed bill, the following: "*provided*, that sample ballots shall not be printed or distributed; *also provided*, that there shall be printed for each primary election precinct only as many ballots as there are names appearing on the register, or supplement thereto, as persons entitled to vote thereat also."

Amendment adopted.

Also: Amend by adding to Section 17 of the bill as amended the following words: "Sections 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, and 1365 of the Political Code be and the same are hereby repealed."

Amendment adopted.

The following amendments to committee amendments Nos. 35, 36, and 37 (as heretofore adopted) were offered by Senator Stratton:

Strike out Sections 10, 11, and 12 of the printed bill, and insert in lieu thereof the following:

"Sec. 11. Section 1375. The qualifications and registration of voters at primary elections shall be subject to the same tests and governed by the same rules and regulations as are in the Constitution and Political Code of this State established and prescribed for other elections; and the same officers who prepare, print, and furnish Great Registers for elections provided for and held prior to the taking effect of this Act, shall prepare, print, and furnish them for use at primary elections; *provided, however*, that it shall not be necessary for the purposes of any primary election to print Great Registers in their entirety, where the Great Register used at the last preceding general election, with additions and corrections made necessary by compliance with Section 12 of this Act, may be used at such primary election.

"Sec. 12. Section 1376. Registration shall be allowed and held in every county and in any city and county in the State, beginning sixty (60) and ending thirty (30) days prior to the date fixed by this Act for any primary election; and it shall be the duty of every officer charged by law with the supervision of registration of voters, to keep his office open for the registration of voters desiring and qualified to vote, at primary election, during the entire period above designated; and the provisions of this and the next preceding section shall apply to city primaries as to other primaries and with like force and effect. Nothing in this section shall prevent any qualified voter who has registered at any time during the period now or hereafter fixed by the laws of this State for registration, for purposes of the general election to be held in any year, from voting at any primary election held in August of the same year."

Amendment adopted.

Also: That the following and succeeding sections of the bill as amended shall be consecutively numbered by the Secretary both as sections of the bill and as sections of the Political Code.

Amendment adopted.

Also: Strike out from the title as amended (being Committee Amendment No. 1) the word "sixteen," and insert in lieu the word "fifteen."

Amendment adopted.

Also: Strike out from the title as amended (being Committee Amendment No. 1) the words and figures "1380 and 1381," and insert in lieu thereof the following: "and 1380."

Amendment adopted.

Also: Strike out from Section 1 of the bill as amended (being Committee Amendment No. 2), the word "sixteen," and insert in lieu thereof the word "fifteen."

Amendment adopted.

Also: Strike out from Section 1 of the bill as amended (being Committee Amendment No. 2) the words and figures "1380 and 1381," and insert in lieu thereof the following: "and 1380."

Amendment adopted.

MOTION.

Senator Dickinson moved that Senate Bill No. 30, as now amended, be ordered to print, and retain its place on second-reading file, and any additional amendments offered by members shall be printed in the

Journal of Monday, January 30, 1899, such amendments to be considered when bill is again reached on second-reading file.

Motion carried.

In compliance with the foregoing motion, Senator Cutter offered the following amendment:

Amend by striking out all of Section 4 down to and including the word "respectively" in line 19, and inserting the following: "All expenses incurred under the provisions of this Act shall be a State charge and payable out of the General Fund of the State Treasury when audited and allowed by the State Board of Examiners."

Amendment pending.

By Senator Bulla:

Amend by striking out of Section 6, line 3, the word "August," and inserting the following: "July."

Amendment pending.

ADJOURNMENT.

At twelve o'clock and fifty minutes P. M., on motion of Senator Morehouse, the Senate was declared adjourned until eleven o'clock and thirty minutes A. M. of Monday, January 30, 1899.

IN SENATE.

SENATE CHAMBER,
Monday, January 30, 1899. }

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

As the roll call was proceeded with, and the name of Senator Boggs was called, Senator Langford arose and announced that at eight o'clock and thirty minutes A. M. of this day he had received a dispatch stating that the Hon. John Boggs, State Senator from the Eighth District, had died in the Palace Hotel, San Francisco, at an early hour of this day.

The roll call was then concluded.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, January 28, 1899, was read.

The Journals of Wednesday, January 25, 1899, and Thursday, January 26, 1899, were approved.

NOTICE OF DEATH OF SENATOR BOGGS.

The following dispatch was received and read by the Secretary:

SAN FRANCISCO, January 30, 1899.

To HON. J. H. NEFF, *President of the Senate*:

Senator John Boggs died last night. Will telegraph you time of funeral during the day.

A. P. WILLIAMS.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Unanimous consent having been obtained, Senator Dickinson offered the following concurrent resolution, and moved its adoption:

SENATE CONCURRENT RESOLUTION No. 4.

Relative to appropriate action by Senate and Assembly in regard to the death of Hon. John Boggs.

WHEREAS, In the dispensation of Divine Providence a sad duty has this day fallen to our lot, arising from the death of our esteemed colleague, Hon. John Boggs; therefore, be it

Resolved by the Senate, the Assembly concurring, That the President of the Senate appoint three members of the Senate, and the Speaker of the Assembly appoint three members of the Assembly, to act as a joint committee to draft suitable resolutions in memory of our late honored and esteemed colleague, Hon. John Boggs.

Concurrent resolution adopted by unanimous vote.

APPOINTMENT OF JOINT COMMITTEE.

The President pro tem. announced that, complying with purpose of Senate Concurrent Resolution No. 4, he appointed, on the part of the Senate, the following: Senators Dickinson, Davis, and Sims, to serve with a like committee from the Assembly, to draft suitable resolutions in memory of the late State Senator, Hon. John Boggs.

Senate Concurrent Resolution No. 4 ordered transmitted to the Assembly without delay.

PETITION.

Senator Stratton presented the following petition, which was read and ordered printed in the Journal:

We, the undersigned citizens of Northern California, advocates of oral education for deaf children, do hereby petition your honorable body, represented in General Assembly, to enact a law to empower school boards to establish day schools for deaf children in connection with the public schools of the State, whereby deaf children may be educated at home and among hearing children.

J. W. Phillips, 977 Sixth Avenue, Oakland; C. R. Yates, Central Bank, Oakland; Wm. Frisbie Lewis, 1302 Franklin Street; D. Edward Collins, California Bank, Oakland; Isaac L. Requa, Oakland Bank of Savings; Thomas Racket, Union National Bank of Oakland; P. E. Bowles, First National Bank of Oakland; M. J. Keller, 1105 and 1109 Broadway; J. W. McClymonds, 447 Thirty-fourth Street, and Julius Jensen, 1268 Campbell Street, Oakland.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 30, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 13—Relative to a bill to create an executive department of mines and mining.

Also: Senate Joint Resolution No. 15—Relative to Brigham H. Roberts and polygamy.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

LEAVITT, Chairman.

Senate Joint Resolutions Nos. 13 and 15 ordered on file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 30, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Substitute for Senate Bill No. 19—An Act to amend an Act to regulate the width of tires of wagons to be used on the public highways of the State of California, approved March 20, 1897, by adding a new section limiting its operation.

Also: Senate Bill No. 37—An Act making an appropriation to pay the claim of F. P. Otis for costs of suit in foreclosing delinquent purchases of State school lands.

JONES, Chairman.

Substitute for Senate Bill No. 19, and Senate Bill No. 37, ordered on file for third reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 30, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election of Leon Denny vs. R. Porter Ashe, for the seat from the Twenty-fourth Senatorial District, beg leave to report that in the hearing before your committee in Sacramento the following expenses have been incurred:

D. W. Long, shorthand reporter, attendance and transcript of testimony and proceedings	\$109 80
W. W. Curnow	30 00
Darby Knowles	25 00
Miss Mae Driscoll	25 00
Total	\$189 80

And we further recommend the adoption of the following resolution:

That the State Controller be, and he is hereby directed, to draw his warrant in favor of F. S. Stratton, Chairman of the Committee on Elections, for the sum of \$189 80, payable out of the Contingent Fund of the Senate, to pay the expenses of said hearing before said committee, and the Treasurer is directed to pay the same.

STRATTON, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 30, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 6—An Act to provide for certain improvements and repairs at the State Normal School at Los Angeles, and making an appropriation therefor.

Also: Senate Bill No. 29—An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DICKINSON, Chairman.

Senate Bills Nos. 6 and 29 ordered on file for second reading.

At eleven o'clock and fifty minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Dickinson: Senate Bill No. 420—An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same.

Read first time, and referred to Committee on Finance and Claims.

By Senator Davis: Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Read first time, and referred to Committee on Elections.

By Senator Stratton: Senate Bill No. 422—An Act appropriating money for the repair and improvement of the buildings and grounds at the Industrial Home of Mechanical Trades for the Adult Blind.

Read first time, and referred to Committee on Finance and Claims.

By Senator Taylor: Senate Bill No. 423—An Act providing for the organization of a League of California Municipalities.

Read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 424—An Act to amend Section 9 of an Act entitled "An Act creating a Board of Commissioners of the Building and Loan Associations, and prescribing their duties and powers" (approved March 23, 1893, and as amended by an Act approved March 26, 1895); said Section 9 relating to the procedure in cases of associations violating their charters or the law, or conducting their business in an unsafe manner.

Read first time, and referred to Committee on Banks and Banking.

Also: Senate Bill No. 425—An Act to amend Section 20 of an Act entitled "An Act creating a Board of Commissioners of the Building and Loan Associations, and prescribing their duties and powers" (approved March 23, 1893, and as amended by an Act approved March 26, 1895); said Section 20 defining the name "Building and Loan Association" as used in said Act, and giving said board certain powers and duties.

Read first time, and referred to Committee on Banks and Banking.

RECESS.

At eleven o'clock and fifty-five minutes A. M., the President pro tem. having resumed the chair, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 30, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker pro tem. of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowley, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Works—75.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Saturday, January 28, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker pro tem. of the Assembly announced that the proceedings of the Joint Assembly of Saturday, January 28, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senator Davis—1.

For John Rosenfeld—Senator Feeney—1.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, Pace, and Sims—10.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	10 votes.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knowland, Lardner, and Muentner—6.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Burnett, Cowan, Fairweather, Feliz, Glenn, Griffin, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—17.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	75
W. H. L. Barnes received	6 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	17 votes.
John Rosenfeld received	1 vote.

The Speaker pro tem. of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	111
Necessary to a choice.....	56
W. H. L. Barnes received	10 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Thomas R. Bard received	2 votes.
Stephen M. White received	27 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Cutter, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Tuesday, January 31, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes P. M., the Senate reconvened.

Hon. Thos. Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Senator Dickinson, after having given notice that he was about to move an adjournment of the Senate out of respect to the memory of the late John Boggs, State Senator from the Eighth District, spoke feelingly of his colleague, referred to his high character, sterling qualities, and worth as a man, and as an officer of the people of the whole State.

Senator Morehouse followed Senator Dickinson, and also highly praised the life and character of his late fellow Senator, whom he had known for thirty years.

Senator Dickinson moved that the Sergeant-at-Arms be directed to forthwith drape the desk of the late Senator Boggs in mourning, and that it remain so draped until after the funeral ceremonies shall have been held.

Motion carried.

ADJOURNMENT.

Senator Dickinson then moved that the Senate adjourn out of respect to the memory of its late departed member, Senator Boggs.

Motion unanimously carried by a rising vote.

Whereupon the President pro tem. declared that the Senate stood adjourned until ten o'clock A. M. of Tuesday, January 31, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 31, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Smith, Stratton, Taylor, and Trout—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING AND APPROVAL OF JOURNALS.

The Journal of Monday, January 30, 1899, was read.

The Journal of Friday, January 27, 1899, was approved.

ANNOUNCEMENT OF FUNERAL SERVICES OF THE LATE SENATOR BOGGS.

The following dispatch was received and read by the Secretary:

SAN FRANCISCO, January 30, 1899.

To Senator B. F. LANGFORD:

Services at Palace Hotel on Wednesday morning at nine o'clock.

MRS. L. E. BOGGS.

RESOLUTION—(OUT OF ORDER).

Senator Boyce offered the following resolution, and moved its adoption:

WHEREAS, In the death of our honored colleague, Hon. John Boggs, the Senate of California has lost a respected and beloved member, and the people of this State have lost a wise and brave champion; and it is appropriate that this body should signify its respect to his memory; therefore, be it

Resolved, That a delegation of seven members of this Senate be appointed by the presiding officer thereof to attend the funeral ceremonies of our deceased brother Senator.

Resolution adopted by unanimous vote.

In accordance with the above resolution, the President pro tem. appointed the following as such delegation: Senators Boyce, Bettman, Morehouse, Chapman, Maggard, Sims, and Dwyer.

PETITIONS.

Senator Laird presented the following petition, which was ordered printed in the Journal:

ALTURAS, Modoc County, Cal.

To the Honorable J. T. LAIRD, State Senator, and J. H. BEECHER, Assemblyman:

GENTLEMEN: We, as citizens of Modoc County, respectfully petition you to do all in your power to have the cattle quarantine raised, so as not to include that portion of California lying east of the summit of the Sierra Nevada Mountains. As the law is now, it works a great hardship on, and is a great disadvantage to, the cattlemen of this part of the State. By so doing you will confer a favor on the people of this portion of the State. Every man in this county is interested in this and would sign it but for fear we may be too late in getting this matter before you.

Respectfully,

G. A. DUKE.
L. ADAMS.
W. H. NELSON.
GEO. H. KNIGHT.
B. B. STREET.

And thirty-one others.

Senator Chapman presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Auburn, in the County of Placer, California, respectfully ask your honorable body to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

MRS. F. A. BIRCE.
MARY WILLIAMS.
SARAH J. BALL.
MRS. CARRIE HAYES.
F. W. WILLIAMS.

And one hundred and seventy others.

Senator Currier presented a like petition, signed by 187 residents of Long Beach, Los Angeles County.

GOVERNOR'S MESSAGES.

Senator Leavitt moved to take up messages from the Governor.
So ordered.

The second biennial message of Governor James H. Budd, and his accompanying messages, under the rules were referred to the Committee on Executive Communications and Nominations.

The following message was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 30, 1899.

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 345—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature.

HENRY T. GAGE,
Governor of the State of California.

MOTIONS, RESOLUTIONS, AND NOTICES—BILL RE-REFERRED.

On motion of Senator Leavitt, Senate Bill No. 93—An Act to amend an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, by amending Sections 3748, 3758, and 3759 of said Political Code, and by repealing Section 3762 of said Code, all relating to revenue and taxation—was re-referred to Committee on Judiciary.

Senator Cutter offered the following resolution:

Resolved, That the following named be and they are hereby elected Committee Clerks at a per diem of four dollars, payable out of the Contingent Fund of the Senate: Sol. D. Rogers, P. M. Gregg, J. P. Dickson, L. E. W. Pioda, J. L. Ballentine, H. Bradbury, H. S. Henion, E. J. McManimon, K. Hoey, Morris Levy, J. S. Brown, G. E. Matthews, P. N. Trout, John Jones, B. J. Flood, D. A. Severin, C. Mautalen, O. Scribner, J. W. Crossland, W. H. Dickinson, J. E. Hall, B. Poor, B. B. Hanscom, George R. Lane, and William Stanford; that J. P. Fay be elected Clerk of the Finance Committee, and A. S. Longley Clerk of the Judiciary Committee, at a per diem of six dollars each, payable out of the Contingent Fund of the Senate.

SUSPENSION OF RULES.

Senator Cutter moved a suspension of the rules for the purpose of considering the above resolution.

The rules were suspended by unanimous consent.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—Senators Doty, La Rue, Pace, and Sims—4.

RESOLUTION.

Senator Cutter offered the following resolution:

Resolved, That the following be and they are hereby elected to the positions, and at the per diem set opposite their respective names, said per diem to be payable out of the Contingent Fund of the Senate:

Assistant Sergeant-at-Arms, J. G. McCall	\$5 00
Assistant Sergeant-at-Arms, Joseph Mann	5 00
Bill Clerk, H. C. Pratt	4 00
Bill Clerk, J. Chambers	4 00
Doorkeeper, A. Bernal	3 00
Doorkeeper, George E. Clark	3 00
Messenger to State Printer, D. Doody	3 00
Stenographer, A. C. Busteede	5 00
Watchman, L. Taylor	3 00
Page, Reed Baxter	2 50
Page, Dorr Eddy	2 50

Adopted.

SUSPENSION OF RULES.

Senator Cutter moved a suspension of the rules for the purpose of now considering the above resolution.

The rules were suspended by unanimous consent.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—Senators Doty, La Rue, Pace, and Sims—4.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked unanimous consent to take up for consideration Senate Joint Resolution No. 14.

Unanimous consent granted.

SENATE JOINT RESOLUTION NO. 14.

Relative to the First Regiment of California Infantry, U. S. Volunteers.

WHEREAS, The First Regiment of California Infantry of U. S. Volunteers were the first troops to leave the United States for a foreign port during the war with Spain, having left San Francisco on May 25, 1898, and have been continuously in service away from home longer than any other volunteer regiment; and

WHEREAS, Many of the men who volunteered are detained in the service in a tropical climate, with danger to their health and at great sacrifice to their personal interests; and

WHEREAS, The said First Regiment of California Volunteers have conducted themselves during the late war in a manner highly creditable to their patriotism and bravery; therefore, be it

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to secure an order for the return of our boys to their homes and families without any delay.

Senate Joint Resolution No. 14 read.

Senator Davis offered the following amendment:

Amend by striking out all after the word "requested," in line 2 of the resolution as printed, and inserting in lieu thereof the following: "that when, in the opinion of the military authorities, troops can be spared from operations in the Philippine Islands, they use their best efforts to secure the privilege that our boys shall be the first allowed to return to their homes and their families."

Amendment adopted.

The question being on the adoption of the resolution as amended.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Chapman, Currier, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Frisk, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

NOES—None.

Senate Joint Resolution No. 14 ordered to print and Assembly.

RESOLUTIONS.

By Senator Shortridge:

Resolved, That the Lieutenant-Governor, Hon. J. H. Neff, be and he is hereby allowed twenty-five (25) dollars for contingent expenses, as allowed to the members of the Senate, payable out of the appropriation for the contingent expenses of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Cutter:

Resolved, That the following be and they are hereby elected to the statutory positions and at the per diem set opposite their respective names:

Assistant Minute Clerk, Geo. F. Hatton.....	\$6 00
Assistant Sergeant-at-Arms for Finance Committee, E. A. Bullis.....	5 00
Assistant Sergeant-at-Arms for Judiciary Committee, D. McCarty.....	5 00
Assistant Sergeant-at-Arms, Nat Kennedy.....	5 00

Assistant Journal Clerk, F. H. McConnell	\$5 00
Assistant Enrolling and Engrossing Clerk, Geo. Huestis	5 00
Assistant Enrolling and Engrossing Clerk, L. L. Shaw	5 00
Assistant Enrolling and Engrossing Clerk, F. H. Hutton	5 00
Assistant Enrolling and Engrossing Clerk, Miss E. Aitken	5 00
Assistant History Clerk, F. M. Dunlap	5 00
Bill Filer, M. T. Freitas	4 00
Bill Clerk, J. P. Tryce	4 00
Bill Clerk, Frank M. J. Kelly	4 00
Mail Carrier, W. W. Curnow	3 00
Cloakroom Clerk, W. C. Rodgers	4 00
Watchman, J. Schmell	3 00
Watchman, J. Terrill	3 00
Watchman, J. O'Leary	3 00
Janitress to Ladies' Cloakroom, Mrs. C. Neidlein	3 00
Messenger to State Printer, Irvin Fields	3 00
Press Mailing Clerk, G. E. Williams	4 00
Press Mailing Clerk, Ben F. Gray	4 00
Stenographer for Finance Committee, A. C. Unsworth	5 00
Stenographer, F. H. Lombard	5 00
Stenographer, Mrs. E. J. Niles	5 00
Stenographer for Judiciary Committee, Nora Andrews	5 00
Assistant at Desk, Amos Stevens	5 00
Stenographer, A. J. Porter	5 00

SUSPENSION OF RULES.

Senator Cutter moved a suspension of the rules, for the purpose of now considering the above resolution.

The rules were suspended by unanimous consent.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Currier, Cutter, Davis, Doty, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—Senator Sims—1.

RESOLUTIONS.

Senator Taylor offered the following resolution, and moved its adoption:

Resolved, That the Press Mailing Clerk be and he is hereby instructed to mail to the clerk of each city and town of the State, when printed, two copies of all bills herein introduced, relating to the municipal affairs of such city or town.

Resolution adopted.

Senator Taylor offered the following resolution, and moved its adoption:

Resolved, That Committee Substitute for Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace—be printed in bill form.

Resolution adopted.

Senator Gillette offered the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of H. S. Crocker Company for \$459 75, for files, letter cases, etc., as per accompanying bills; the same payable out of the Contingent Fund of the Senate:

Jan. 17—5 dozen Globe files	\$60 00
Jan. 19—129 Keystone files	225 75
Jan. 26—11 dozen Globe files	132 00
2 dozen perforators	12 00
3½ dozen Royal letter cases	30 00

\$459 75

Resolution referred to Committee on Attachés, Contingent Expenses, and Mileage.

LEAVE OF ABSENCE.

Senator Prisk was granted a leave of absence until Thursday, February 2, 1899, on motion of Senator Gillette.

COMMUNICATION.

Senator Sims presented the following communication, which was read and ordered printed in the Journal:

SANTA ROSA, January 28, 1899.

To HON. J. C. SIMS, *State Senator, Sacramento*:

DEAR SIR: The following preamble and resolution were unanimously passed at the last meeting of Sonoma County Pomona Grange:

WHEREAS, The prosperity of agriculture is indispensable to the prosperity of all other legitimate industries of our State and nation; and

WHEREAS, Agriculture is languishing under a grievous burden of taxation; and

WHEREAS, The Legislature now in session is being flooded with petitions, looking to the exemption of other classes of property from taxation, the effect of which would be to increase the taxation on agriculture; now, therefore, be it

Resolved by Sonoma County Pomona Grange, That the Legislature be and it is hereby petitioned to submit to the people a constitutional amendment exempting all farms and farm property from taxation.

[SEAL.]

M. B. MAC, Secretary.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 332—An Act to regulate the transportation of perishable fruit, goods, or merchandise, by express or transfer companies—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 168—An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns within the State of California, and repealing conflicting Acts—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

SIMPSON, Chairman.

Senate Bill No. 332 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Langford asked permission to withdraw Senate Bill No. 168.

Unanimous consent granted.

Senate Bill No. 168 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COMMERCE, HARBORS, AND RIVERS.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Commerce, Harbors, and Rivers, to whom was referred Senate Bill No. 26—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 47—An Act to appropriate money for the improvement of the harbor of San Diego, by the Board of State Harbor Commissioners for San Diego Bay—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee, and be referred to Committee on Finance and Claims.

Also: Senate Bill No. 154—An Act to amend Sections 2570 and 2571 of the Political Code of the State of California, relative to the Harbor Master of the Port of Eureka, and relative to the salaries of the members of the Board of Harbor Commissioners—

have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance and Claims.

SHORTRIDGE, Chairman.

Senate Bills Nos. 26, 47, and 154 referred to Committee on Finance and Claims.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 408—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885—have had the same under consideration, respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 40—An Act to create an Exempt Fireman's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and service as firemen of such exempt firemen—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

TAYLOR, Chairman.

Senate Bills Nos. 408 and 40 ordered on file for second reading.

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 16—Concerning the subsidizing of American steamship lines.

Also: Assembly Joint Resolution No. 5—Concerning a leper hospital on the Island of Molokai.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

LEAVITT, Chairman.

Senate Joint Resolution No. 16 and Assembly Joint Resolution No. 5 ordered on file.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

ROWELL, Chairman.

Senate Bill No. 240 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 301—An Act entitled an Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Municipal Corporations.

Also: Senate Bill No. 270—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Also: Senate Bill No. 114—An Act entitled "An Act to amend Section 3009 of the Political Code," relating to the appointment of officers and employés by the San Francisco Board of Health.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 242—An Act authorizing a party required to give bonds or undertaking to agree with his sureties for the deposit or withdrawal of any or all moneys or assets for which such sureties are or may be held responsible.

Also: Senate Bill No. 278—An Act to amend Sections 1797 and 1798 of the Code of Civil Procedure of the State of California, relating to guardians and wards.

Also: Senate Bill No. 303—An Act relating to the disposition of moneys belonging to deceased inmates of public institutions supported in whole or in part by State aid and under the control of boards appointed by the Governor.

Also: Senate Bill No. 336—An Act to amend Section 592 of the Penal Code of the State of California.

Also: Senate Bill No. 337—An Act to add a new Section to the Penal Code of the State of California.

Also: Senate Bill No. 287—An Act to amend Section 501 of the Civil Code of the State of California, relating to street railroad cars.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 44—An Act entitled "An Act to amend an Act to prevent sheep and goats being herded or running at large in certain portions of Lake County."

Also: Senate Bill No. 276—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct disposition of proceeds."

Also: Senate Bill No. 288—An Act to amend Section 92 of the Civil Code, and to add a new section to said Code, to be known as Section 108 of the Civil Code, relating to grounds of action for divorce.

Also: Senate Bill No. 292—An Act to amend Section 61 of the Civil Code.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

GILLETTE, Chairman.

Senate Bill No. 301 referred to Committee on Municipal Corporations.

Senate Bills Nos. 270, 114, 242, 278, 303, 336, 337, 287, 44, 276, 288, and 292 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, that it take its place on the calendar, and be referred to the Committee on Finance and Claims.

Also: Senate Bill No. 28—An Act to amend Section 1290 and Section 1291 of the Political Code, relating to elections, and providing for declaring the result of the vote on proposed constitutional amendments—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and your committee further recommends that Senate Bills Nos. 49, 358, 379, and 421 be advanced and placed on second-reading file after No. 27 of the Senate General File of Tuesday, January 31, 1899.

Also: Senate Bill No. 379—An Act to promote the purity of primary elections, and to punish offenses thereat—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Also: Senate Bill No. 322—An Act authorizing women to vote at school elections, and defining the qualifications of such voters.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STRATTON, Chairman.

Senator Stratton moved that Senate Bills Nos. 49, 358, 379, and 421 be placed on second-reading file, immediately following Senate Bill No. 67—An Act adding a new section to the Political Code of this State, to be known and designated as Section 1118, providing for registration and the use of registers at primary elections—which on this day's file is No. 27.

Unanimous consent granted, and bills ordered on file as above listed.

Senate Bills Nos. 28 and 322 ordered on file for second reading.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 206—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children, by the erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance and Claims.

SMITH, Chairman.

Senate Bill No. 206 referred to Committee on Finance and Claims.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 238—An Act making an appropriation to pay the claim of I. H. Polk against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 304—An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase to the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita.

Also: Senate Bill No. 324—An Act appropriating ten thousand dollars (\$10,000) to pay the claim of Addie McGinness.

Also: Senate Bill No. 122—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

DICKINSON, Chairman.

Senate Bills Nos. 238, 304, 324, and 122 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Dickinson: Senate Bill No. 426—An Act to amend Sections 2520 and 2552 of the Political Code, relating to the Board of State Harbor Commissioners.

Read first time, and referred to Committee on Commerce, Harbors, and Rivers.

By Senator Bulla: Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, and the Act amendatory thereof, approved April 1, 1897.

Read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 428—An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 429—An Act to amend Section 1870 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Read first time, and referred to Committee on Judiciary.

By Senator Langford: Senate Bill No. 430—An Act to add a new article to Chapter III, Part III, Title I, of the Political Code of the State of California, to be designated Article XX, relating to the compensation and traveling expenses of civil executive officers, employés, and agents of the State.

Read first time, and referred to Committee on Finance and Claims.

By Senator Feeney: Senate Bill No. 431—An Act to prohibit the sale of water gas for illuminating purposes, and to prohibit the forcing of air in and through mains and pipes used for supplying illuminating gas, and making a penalty therefor.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 432—An Act to regulate the use of meters used for the purpose of measuring water by persons or corporations distributing the same for sale.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 433—An Act to amend Section 629 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations.

Read first time, and referred to Committee on Corporations.

By Senator Burnett: Senate Bill No. 434—An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol.

Read first time, and referred to Committee on Finance and Claims.

By Senator Chapman: Senate Bill No. 435—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act."

Read first time, and referred to Committee on Finance and Claims.

By Senator Doty (by request): Senate Bill No. 436—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Jones: Senate Bill No. 437—An Act making an appropriation to pay for the support of the Southern California State Hospital for the fifty-first and fifty-second fiscal years.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Gillette: Senate Bill No. 438—An Act to amend Section 1585 of the Code of Civil Procedure of the State of California, relating to the administration and disposition of the assets of a deceased co-partner.

Read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Bill No. 439—An Act to amend Section 726 of the Code of Civil Procedure, relating to foreclosure of mortgages.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton: Senate Bill 440—An Act to repeal the whole of Title XV of Part IV of division third of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of division third of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

Read first time, and referred to Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 441—An Act to amend Section 416 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the fees to be collected by the Secretary of State for services rendered by him in his official capacity.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 442—An Act to amend Section 949 of the Code of Civil Procedure, relating to what cases wherein an appeal stays proceedings.

Read first time, and referred to Committee on Judiciary.

By Senator Boyce: Senate Bill No. 443—An Act to add three new sections, to be known as Sections 635, 636, and 637, to an Act of the

Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the execution of bonds to secure the payment of taxes by the insurance companies not incorporated under the laws of said State, and doing business in said State, which payment would be in lieu of all other taxes or licenses imposed upon them or their agents by the State, or by any county, or city and county, or municipality therein situated, except such taxes as may be levied against its real and personal property.

Read first time, and referred to Committee on Judiciary.

At eleven o'clock and forty-five minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth District, in the chair.

MOTION.

On motion of Senator Boyce, the Sergeant-at-Arms was authorized and instructed to accompany the Senators this day appointed to represent this branch of the Legislature of the State of California at the funeral services over the remains of the late Senator Boggs, to be holden in San Francisco on Wednesday, February 1, 1899.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same.

Read third time.

Senator La Rue moved that Senator Sims be appointed a special committee of one to amend the bill as follows:

Strike out of line 22, Section 1, the words "or sparkling wine."

Also: Strike out all of Section 1 after "must" in line 24, and insert the following: "Sparkling wine is that which has pure carbonic acid gas injected into the bottle"

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 21, with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMS, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print and reëngrossment.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem., having resumed the chair, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 31, 1899. }

The hour of twelve o'clock m. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—77.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Monday, January 30, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Monday, January 30, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being

called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, Pace, and Sims—10.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	4 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	10 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—17.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Mr. Brooke—1.
For Stephen M. White—Messrs. Boone, Burnett, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford Stewart, E. D. Sullivan, Wardell, and White—18.
For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	75
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	17 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	19 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	18 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	111
Necessary to a choice.....	56
W. H. L. Barnes received.....	11 votes.
M. M. Estee received.....	1 vote.

R. N. Bulla received	13 votes.
D. M. Burns received	24 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	26 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	28 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION.

Senator Leavitt moved that the Joint Assembly do now proceed to take another ballot.

So ordered.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
- For R. N. Bulla*—Senators Currier, Gillette, Simpson, and Taylor—4.
- For D. M. Burns*—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
- For U. S. Grant, Jr.*—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
- For Thomas R. Bard*—Senators Flint and Rowell—2.
- For Irving M. Scott*—Senator Davis—1.
- For John Rosenfeld*—Senator Feeney—1.
- For Stephen M. White*—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, Pace, and Sims—10.

Whole number of votes cast by Senators	36
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.
- For M. M. Estes*—Mr. Wade—1.
- For R. N. Bulla*—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
- For D. M. Burns*—Messrs. Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—17.
- For C. N. Felton*—Mr. Brown—1.
- For U. S. Grant, Jr.*—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.
- For Irving M. Scott*—Mr. Dunlap—1.
- For Marion De Vries*—Mr. Brooke—1.
- For Stephen M. White*—Messrs. Boone, Burnett, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.
- For John Rosenfeld*—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	75
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	18 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	111
Necessary to a choice	56
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	24 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	26 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	28 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION.

Senator Leavitt moved that the Joint Assembly do now proceed to take another ballot.

AYES AND NOES.

The ayes and noes were demanded by Assemblymen Belshaw and Dibble and Senator Leavitt.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Bettman, Bulla, Burnett, Cutter, Doty, Feeney, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Nutt, Pace, Shortridge, Simpson, Smith, Stratton, Tront, and Wolfe—21.

NOES—Senators Ashe, Boyce, Braunhart, Chapman, Currier, Davis, Dickinson, Flint, Hall, Langford, Maggard, Morehouse, Rowell, Sims, and Taylor—15.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Arnerich, Barry, Beecher, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Chynoweth, Cobb, Cosper, Crowley, Dale, De Lancie, Devoto, Dibble, Fairweather, Glenn, Griffin, Hanley, Henry, Hoey, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Le Baron, Lundquist, Mack, Marvin, McDonald of Tuolumne, McKeen, Mead, Melick, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Rickard, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Mr. Speaker—51.

NOES—Messrs. Atherton, Belshaw, Boone, Cargill, Clough, Conrey, Cowan, Crowder, Dunlap, Feliz, Greenwell, Huber, Jilson, La Barea, Lardner, McDonald of Alameda, Merrill, Merritt, O'Brien, Radcliff, Raub, Raw, Robinson, Sanford, Stewart, and Works—26.

Upon the conclusion of the roll call, the Speaker of the Assembly announced the result, and declared the motion carried, and ordered that

the Joint Assembly do now proceed to take another ballot for Senator in Congress to succeed the Hon. Stephen M. White.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Irving M. Scott—Senator Davis—1.
For Thomas R. Bard—Senators Flint and Rowell—2.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Brauhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, Pace, and Sims—10.

Whole number of votes cast by Senators	36
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes
J. S. Grant, Jr., received	7 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Bree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kennally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—17.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Mr. Brooke—1.
For Stephen M. White—Messrs. Boone, Burnett, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.
For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	75
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	18 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	111
Necessary to a choice	56
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	24 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	26 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	28 votes.

And thereupon declared the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and fifty-five minutes P. M., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Wednesday, February 1, 1899.

IN SENATE.

RECONVENED.

At one o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

APPOINTMENT OF PORTERS.

The Secretary read the following communication from Lieutenant-Governor Jacob H. Neff:

STATE CAPITOL, SACRAMENTO, January 30, 1899.

To the Senate of the State of California:

GENTLEMEN: In keeping with the invitation extended me, I hereby appoint the following persons porters of the Senate: A. Noble, Hiram Clock, Daniel Brown, H. S. Clay, O. Macfarlane, S. D. Brower; and Andrew Walton, rear porter.

JACOB H. NEFF, President of the Senate.

MOTION.

Senator Braunhart moved that the appointments as set forth in the communication from the President of the Senate be confirmed.

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Doty, Dwyer, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—None.

Whereupon the President pro tem. declared the appointment just read duly confirmed.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived,

under Rule I of the Standing Rules of the Senate the President pro tem. declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Currier, Cutter, Dickinson, Doty, Flint, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—27.

Quorum present.

LEAVE OF ABSENCE.

Senator Nutt was granted leave of absence for the balance of the day, on motion of Senator Luchsinger.

Senator Leavitt was granted leave of absence till Wednesday evening, on motion of Senator Wolfe.

Senator Bettman was granted leave of absence for the remainder of the day, on his own motion.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

Passed on file, but to retain place on file.

Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Passed on file, but to retain place on file.

Senate Bill No. 19—An Act to amend an Act to regulate the width of tires of wagons to be used on the public highways of the State of California, approved March 20, 1897, by adding a new section limiting its operation.

Bill read third time, and its further consideration temporarily postponed, and to retain place on file.

Senate Bill No. 37—An Act making an appropriation to pay the claim of F. P. Otis for costs of suit in foreclosing delinquent purchases of State school lands.

Read third time.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senators Laird, Langford, and Rowell—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 59.—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Passed on file, but to retain its place.

Senate Bill No. 30.—An Act concerning elections and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections.

The bill having been partially read on a previous day, with two amendments pending, the question was on the adoption of the following two proposed amendments:

Amend by striking out all of Section 5 down to and including the word "respectively" in line 19, and inserting the following: "All expenses incurred under the provisions of this Act shall be a State charge and payable out of the General Fund of the State Treasury when audited and allowed by the State Board of Examiners."

Amendment lost.

Amend by striking out of Section 7, line 3, the word "August," and inserting the following: "July."

Senator Gillette offered the following as a substitute for the above pending amendment:

Amend by striking out of Section 7, line 2, the word "last," and inserting in lieu thereof the word "second."

Substitute for amendment adopted.

Senator Gillette moved to amend as follows:

Amend by striking out of Section 7, line 12, the word "last," and inserting in lieu thereof the word "second."

Amendment adopted.

The following committee amendments were submitted:

AMENDMENT No. 1.

Insert in line 29 of Section 6 of the bill as reprinted, after the word "ballot," the following: "Where a State convention is to be held, the respective petitions as filed shall provide that the same delegates composing the State convention, who reside within the respective railroad commissioner districts and State equalization districts, shall be the delegates to the respective conventions to nominate candidates for Railroad Commissioners and for members of the State Board of Equalization. And the petitions filed by Congressional district committees, where there are such committees, shall state whether the delegates elected to a State convention within such Congressional district shall be the delegates empowered to nominate a candidate for Congress in such district, or whether separate delegates shall be selected in such Congressional district for that purpose. And petitions filed by Senatorial or Assembly district committees, from districts including more than one county, where there are such district committees, shall state whether the same delegates to the State convention residing within such district shall nominate the candidate for Senator or Assemblyman in such district, or whether separate delegates shall be elected in such district for that purpose. And unless there shall be such district petitions providing for such separate delegates in the cases aforesaid, such district candidates for Congress, State Senator, or Assemblyman shall be nominated by the delegates to the State convention who come from and reside within such respective districts."

Amendment adopted.

AMENDMENT No. 2.

In line 60, Section 6 of the reprinted bill, after the word "convention," insert "if the apportionment last mentioned is not contained in any petition filed, then such apportionment shall be made by the Board of Election Commissioners with whom the petition is filed before the publication provided for in Section 1372 of this Code."

Amendment adopted.

AMENDMENT No. 3.

Amend skeleton ballot by inserting therein a number of blank lines and numbering same equal in each instance to the number of delegates to be selected.

Amendment adopted.

AMENDMENT No. 4.

Strike out Sections 11 and 12 of said bill as reprinted, and insert in lieu thereof the following:

"SEC. 11. Section 1375. The qualifications and registration of voters at primary elections shall be subject to the same tests and governed by the same rules and regulations as are in the Constitution and Political Code of this State, established and prescribed for other elections; and the same officers who prepare and furnish registers for general elections, as provided for in this Code, shall prepare and furnish them for use at primary elections. It shall be the duty of the proper officers to furnish the register, and supplements thereto, for use at primary elections, which shall show the names of all voters entitled to vote at such elections; *provided*, that where a new registration, pursuant to law, is not completed in point of time sufficient to permit of its use at the next ensuing primary election, then the register used at the last general election in any county, or city and county, in this State, may be used at any primary election, together with supplemental registers or additions showing all additional registrations, changes, and corrections made since the last general registration.

"SEC. 12. Section 1376. All persons entitled to register or vote at any primary election in any city, county, or city and county, whose names are not upon the register, or who may be entitled to transfer their registration, shall be entitled to be registered or transferred so as to enable them to vote at such primary election, and for that purpose it shall be the duty of the officer charged with the registration of voters in each county, or city and county, to keep his office open for at least fifteen days prior to the twenty-five days immediately preceding such primary election."

Amendment adopted.

AMENDMENT No. 5.

Strike out from Section 13, on page 11 of the bill, as reprinted, the words "but must not admit delegates unless they were elected under this Act," and insert in lieu thereof the following: "and no convention shall be recognized as in law entitled to make nominations unless the delegates thereto were elected under and by virtue of the provisions of this Act."

Amendment adopted.

Senator Stratton moved that the vote whereby the following amendment—

AMENDMENT No. 40.

Amend Senate Bill No. 30, by adding on page 8, line 13, Section 9, of the printed bill, after the words "his choice," the following: "*provided*, that on any such slip there may be printed a designation of the convention to which the delegates are to be elected, a statement of any principle which they represent, and the names of any candidates for nomination for office whom they favor or advocate"—

was on Saturday, January 28, 1899, adopted, be reconsidered.

Motion unanimously carried, and the Secretary instructed to strike the amendment from the bill.

Senator Morehouse moved to amend as follows:

Strike out the word "Act" wherever it occurs in this bill, except in the title, and insert in lieu thereof the word "chapter."

Amendment adopted.

Senator Stratton moved to amend as follows:

Amend by striking out of Section 2, to and inclusive of Section 17, both inclusive, the words and figures "Section 2" and "Section 3," or as successively numbered, and inserting in lieu thereof the word and figures "Section 17" and the word and figure "Section 2."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 23—An Act to provide for the nomination of candidates for public office, the selection of delegates to national conventions, and the transaction, settlement, and control of certain affairs of political parties or organizations, by and through political conventions composed

of delegates chosen at general primary elections, or their proxies, and to regulate the conduct of such elections, and define and provide for definite political committees to coöperate therein, and to enforce said method of making such nominations.

Passed on file, but to retain place on file.

Senate Bill No. 62—An Act entitled "An Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which under the laws of the United States cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States."

Passed on file, but to retain place on file.

Senate Bill No. 12—An Act to prevent the maintenance against the State or any officer thereof by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county or any officer thereof for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

Passed on file, but to retain place on file.

Senate Bill No. 56—An act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court, and Superior Judges, and officers connected with the Supreme Court.

During the second reading of bill, Senator Cutter moved to amend as follows:

By inserting after the words "San Francisco" in line 4 of page 1 of said printed bill the words: "are five thousand dollars."

Amendment adopted.

Senator Stratton moved to amend as follows:

Add to Section 1, after the last word, the following: "Until the first Monday after the first day of January, 1903, unless a vacancy occurs in the office of Judge of the Superior Court of said counties combined; *provided*, that from and after the first Monday after the first of January, 1903, or after the happening of a vacancy, should the same occur in such office of said counties combined, the Judge of the Superior Court respectively of the counties of Yuba and Sutter shall receive a salary of four thousand dollars per annum, payable in each case one half by the State, and other half by the county for which the Judge is elected or appointed, at the times and in the manner now provided by law for the payment of such salaries in other counties."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Brauhart, Laird, and Cutter.

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Chapman, Davis, Doty, Hoey, Jones, Morehouse, Shortridge, Smith, Stratton, and Wolfe—15.

NOES—Senators Bulla, Cutter, Dickinson, Flint, Gillette, Laird, Langford, La Rue, Luchsinger, Rowell, Simpson, Sims, Taylor, and Trout—14.

Pending the announcement of the vote, Senator Cutter moved a call of the Senate.

Motion lost.

Whereupon the President pro tem. declared the amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 127—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State."

Read second time, and ordered to engrossment.

OATH OF OFFICE.

The officers and employés of the Senate this day elected and appointed appeared at the bar of the Senate and each subscribed to the following oath of office:

I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully perform the duties of the office to which I have this day been elected, to the the best of my ability. So help me God.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Senator Chapman, the Senate was declared adjourned until ten o'clock A. M. of Wednesday, February 1, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 1, 1899. {

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Braunhart, Bulla, Burnett, Currier, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Pace, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

REGULAR ORDER OF BUSINESS.

READING AND APPROVAL OF JOURNALS.

The Journal of Tuesday, January 31, 1899, was read.

The Journal of Saturday, January 28, 1899, was approved.

LEAVE OF ABSENCE.

Senator Nutt was granted leave of absence for the day, on motion of Senator Jones.

ANNOUNCEMENT OF FUNERAL SERVICES OF THE LATE SENATOR BOGGS.

The following dispatch was received from the chairman of the Senate delegation to the funeral services of the late Senator Boggs, and was read by the Secretary:

SAN FRANCISCO, February 1, 1899.

To HON. THOMAS FLINT, *President pro tem. of the Senate*:

Funeral services of the late Senator Boggs begin at nine o'clock and forty-five minutes, and last one hour.

BOYCE, Chairman.

RECESS.

In consideration of the funeral services over the remains of the late Senator Boggs, which are now taking place, the President pro tem. at ten o'clock and twenty minutes A. M., on motion of Senator Dickinson, declared a recess until eleven o'clock A. M.

RECONVENED.

At eleven o'clock A. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—24.

Quorum present.

REGULAR ORDER OF BUSINESS—(RESUMED).

RESIGNATION OF BILL CLERK.

The following was received and read:

SACRAMENTO, January 31, 1899.

To the Senate of the State of California:

I hereby tender my resignation as Bill Clerk.

GEORGE P. LANE.

Resignation accepted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 99—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to estates of deceased persons.

Also: Senate Bill No. 113—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the estates of deceased persons.

Also: Senate Bill No. 116—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Also: Senate Bill No. 120—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Also: Senate Bill No. 124—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the administration of estates of deceased persons.

Also: Senate Bill No. 391—An Act to amend Section 1365 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 313—An Act to enable corporations owning property in foreign countries to dispose of the same—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Senate Bill No. 233—An Act to amend Section 1050 of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 305—An Act to amend Sections 8 and 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GILLETTE, Chairman.

Senate Bills Nos. 99, 113, 116, 120, 124, 391, 233, 305, and Substitute for Senate Bill No. 313, ordered on file for second reading.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 1, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 112—An Act to amend Sections 6, 7, and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and an amendatory Act thereof, approved March 7, 1889.

Also: Senate Bill No. 107—An Act to prevent the shipment of infected fruits out of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CURRIER, Chairman.

Senate Bills Nos. 112 and 107 ordered on file for second reading.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 13—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor.

Also: Assembly Bill No. 2—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor—being the same as Senate Bill No. 13.

Also: Senate Bill No. 157—An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses incident and relating thereto, and provide for managing the same, for the transfer of prisoners thereto and government of the inmates thereof.

Also: Senate Bill No. 317—An Act to add a new section to the Penal Code, to be numbered 180, relating to bringing into any State prison or State reformatory, or within the grounds of such institution, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquors of any kind whatever, or firearms, weapons, or explosives of any kind, for any inmate imprisoned therein, and providing a penalty therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass. Said Senate Bill No. 13, Assembly Bill No. 2, and Senate Bill No. 157 should be re-referred to Committee on Finance and Claims

BULLA, Chairman.

Senate Bill No. 13, Assembly Bill No. 2, and Senate Bill No. 157 re-referred to Committee on Finance and Claims.

Senate Bill No. 317 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Dickinson asked for and was granted unanimous consent to withdraw Senate Bill No. 236—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor—said bill being a duplicate of Senate Bill No. 165—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Senate Bill No. 236 withdrawn and ordered stricken from the file.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 4—Relative to the appointment of committee to draft resolutions to the memory of the late Hon. John Boggs—and in accordance therewith the Speaker appointed Assemblymen Belshaw, Glenn, and Kelsey as the committee from the Assembly.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 136—An Act creating a Governor's Mansion Commission, and providing for the construction and furnishing of a mansion for the Governor of the State of California, and appropriating the sum of \$69,500 for the erection and furnishing of said mansion, for the payment of prizes for competitive plans for supervision of the construction, for clerk hire, for the contingent expenses of said commission, and directing the State Controller to draw warrants upon the fund so appropriated, and directing the State Treasurer to pay said warrants.

Also: Assembly Bill No. 400—An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures

Also: Assembly Bill No. 25—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Also: Assembly Bill No. 24—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Also: Assembly Bill No. 23—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Also: Assembly Bill No. 85—An Act to prevent the blacklisting of employés.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 136 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 400 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 25 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 24 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 23 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 85 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 12—Relative to Exposition at San Francisco in 1901 of products and industries of Pacific Ocean countries.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Joint Resolution No. 12 referred to Committee on Federal Relations and Immigration.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Stratton: Senate Bill No. 444—An Act in relation to municipal elections, where the same are held separate from general State elections and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897.

Read first time, and referred to Committee on Elections.

By Senator Feeney (by request): Senate Bill No. 445—An Act making an appropriation to pay for concrete floor in basement of the State

Capitol, and for ventilating said basement, and requiring that the work be done under the direction of the Secretary of State.

Read first time, and referred to Committee on Finance and Claims.

By Senator Jones: Senate Bill No. 446—An Act to provide a system of drainage for agricultural swamp and overflowed lands.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 447—An Act to repeal an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read first time, and referred to Committee on Irrigation and Water Rights.

Also (by request): Senate Bill No. 448—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Read first time, and referred to Committee on Judiciary.

By Senator Pace: Senate Bill No. 449—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 170 thereof, relating to the disqualification of Judges of the Superior Court of the State of California, to sit or act on the trial or hearing of certain actions or proceedings.

Read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 450—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878.

Read first time, and referred to Committee on Banks and Banking.

By Senator Trout (by request): Senate Bill No. 451—An Act to provide for the formation of new counties, and the appointment and election of officers, the location of county seats thereof, and the adjustment and fulfillment of certain rights and obligations arising between such new-formed counties and the county or counties from which they are formed.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Langford: Senate Bill No. 452—An Act to pay the claim of Louis Gerlach against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same.

Passed on file, but to retain place on file.

Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

Passed on file, but to retain place on file.

Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Bill read third time.

Senator Bulla moved that Senator Currier be appointed a special committee of one to amend the bill as follows:

Amend by inserting after the word "States," in Section 6, line 22, the words "of the State of California, or of any county or municipality within this State."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 1, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—with instructions to amend, respectfully report the same back, amended as per instructions.

CURRIER, Committee.

Report of special committee of one and amendment adopted.

Senator Brauhart moved that Senator Dickinson be appointed a special committee of one to amend Senate Bill No. 54, as follows:

Amend Section 4, line 20, by inserting after the word "publication" the following: "and all other costs authorized by law for the publication of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 1, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—with instructions to amend, respectfully report the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendment adopted.

Senate Bill No. 54 ordered to print and reëngrossment.

Senate Bill No. 19—An Act to amend an Act to regulate the width of tires of wagons to be used on the public highways of the State of California, approved March 20, 1897, by adding a new section limiting its operation.

Passed on file, but to retain place on file.

At eleven o'clock and forty-five minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

SECOND READING OF BILLS.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk, and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

During the second reading of Senate Bill No. 59 the following amendments were introduced:

By Senator Bulla:

Amend by striking out of Section 3, lines 16, 17, and 18, the words "attended for at least two years a recognized veterinary college, and who shall have had at least two years' practical experience in that profession," and inserting the following: "been granted a license by the State Veterinary Board to practice veterinary medicine and surgery in this State."

Amendment adopted.

By Senator Dickinson:

Amend by inserting in line 3, Section 8 of printed bill, the words: "or ship the same by rail," after the word "State" where it first appears in said line.

Amendment adopted.

Also: Amend by inserting after the word "permit," in line 5, Section 8, the following: "unless said stock is destined for market for immediate slaughter; but no stock shall be so shipped, if known to be infected or diseased."

Amendment adopted.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem. having resumed the chair, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 1, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Braunhart, Bulla, Burnett, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—30.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clough, Cobb, Conrey, Cospier, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Greenwell, Griffin, Hanley, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knowland, La Barea, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Radcliff, Raub, Raw, Rickard, Robinson, Stewart, Eugene Sullivan, E. D. Sullivan, Wade, Wardell, White, Works, Wright, and Mr. Speaker—71.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Tuesday, January 31, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Tuesday, January 31, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each or whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Senators Dickinson, Luchsinger, and Stratton—3.
For *R. N. Bulla*—Senators Currier, Gillette, Simpson, and Taylor—4.
For *D. M. Burns*—Senators Laird, Shortridge, and Wolfe—3.
For *U. S. Grant, Jr.*—Senators Jones, Nutt, Smith, and Trout—4.
For *Thomas R. Bard*—Senators Flint and Rowell—2.
For *Irving M. Scott*—Senator Davis—1.
For *John Rosenfeld*—Senator Feeney—1.
For *Stephen M. White*—Senators Ashe, Braunhart, Doty, Hall, Langford, La Rue, Pace, and Prisk—8.

Whole number of votes cast by Senators.....	26
W. H. L. Barnes received	3 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	3 votes.
U. S. Grant, Jr., received	4 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	8 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.
For *M. M. Estee*—Mr. Wade—1.
For *R. N. Bulla*—Messrs. Belshaw, Boynton, Conrey, Cospier, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For *D. M. Burns*—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Jilson,

Johnson, Kelley, Kenneally, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—16.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Crowder, Dale, De Lancie, Greenwell, Huber, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—18.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Burnett, Cowan, Fairweather, Feliz, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Stewart, E. D. Sullivan, Wardell, and White—16.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	71
W. H. L. Barnes received	7 votes
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	16 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	18 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	16 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	97
Necessary to a choice.....	49
W. H. L. Barnes received	10 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	19 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	22 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 votes.
John Rosenfeld received	2 vote.
Stephen M. White received	24 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

Assemblyman Wade moved that the Joint Assembly do now adjourn.

The ayes and noes were demanded by Assemblymen Wade, Works, and Radcliff.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Ashe, Braunhart, Currier, Davis, Dickinson, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Pace, Prisk, Rowell, Simpson, and Taylor—19.

NOES—Senators Bulla, Burnett, Cutter, Doty, Nutt, Shortridge, Smith, Stratton, Trout, and Wolfe—10.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Atherton, Belshaw, Bliss, Blood, Boone, Clough, Cosper, Cowan, Dunlap, Feliz, Greenwell, Griffin, Hanley, Hoey, Jilson, Knowland, Mack, Marvin, McDonald of Tuolumne, Mead, Melick, Muentner, Robinson, Stewart, E. D. Sullivan, Wade, and Wright—27.

NOES—Messrs. Arnerich, Barry, Beecher, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Cobb, Conrey, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Fairweather, Huber, Johnson, Kelley, Kelsey, Kenneally, Knights, La Barea, Lardner, Lundquist, McDonald of Alameda, McKeen, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Eugene Sullivan, Valentine, Wardell, White, Works, and Mr. Speaker—47.

Upon the conclusion of the roll call, the Speaker of the Assembly announced the result and declared the motion lost, and ordered that the Joint Assembly do now proceed to take another ballot for Senator in Congress to succeed the Hon. Stephen M. White.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, and Stratton—3.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Laird, Shortridge, and Wolfe—3.
For U. S. Grant, Jr.—Senators Jones, Nutt, Smith, and Trout—4.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Doty, Hall, Langford, La Rue, Pace, and Prisk—8.

Whole number of votes cast by Senators.....	26
W. H. L. Barnes received	3 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	3 votes.
U. S. Grant, Jr., received	4 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	8 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentzer—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Jilson, Johnson, Kelley, Kenneally, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—16.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Crowder, Dale, De Lancie, Greenwell, Huber, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Raub, Raw, and Works—17.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Mr. Brooke—1.
For Stephen M. White—Messrs. Boone, Burnett, Cowan, Fairweather, Feliz, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Stewart, E. D. Sullivan, Wardell, and White—16.
For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	70
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	16 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	17 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	16 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	96
Necessary to a choice	49
W. H. L. Barnes received	10 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	19 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	21 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 vote.
Stephen M. White received	24 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and thirty-seven minutes P.M., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Thursday, February 2, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and fifty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Braunhart, Bulla, Burnett, Currier, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—26.

Quorum present.

RESOLUTION—(OUT OF ORDER).

Senator Dickinson offered the following resolution:

WHEREAS, In the death of Hon. John Boggs, Senator from the Eighth Senatorial District, a vacancy occurs in the Senate of the State of California; therefore, be it

Resolved, That the Secretary of the Senate be instructed to inform the Governor of the death of said Senator Boggs, as the Senate has been advised by telegram dated January 30, 1899.

Resolution read and adopted.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Braunhart, Bulla, Burnett, Currier, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—23.

Quorum present.

SECOND READING OF BILLS—(RESUMED).

The second reading of Senate Bill No. 59 not having been finished when the Senate was declared at recess, the same was proceeded with.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Read second time, and ordered to print and engrossment.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Currier, the following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Joint Resolution No. 10—Relative to construction and ownership of the Nicaragua Canal—and respectfully request that the Senate concur in said amendments.

C. W. KYLE, Chief Clerk of the Assembly.
By H. S. WANZER, Assistant Clerk.

The question was then put: "Shall the Senate concur in the following Assembly amendments to Senate Joint Resolution No. 10?"

Amend by striking out the words "or under the auspices" on line 15, page 1, printed bill.

Also: Amend by striking out the word "control" on line 4 from top of page 2, printed bill, and inserting in lieu thereof the word "operations."

The roll was called, and the amendments concurred in by the following vote:

AYES—Senators Ashe, Brauhart, Bulla, Burnett, Currier, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—22.

NOES—None.

Senate Joint Resolution No. 10 ordered to enrollment.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Shortridge moved that Senate Joint Resolution No. 15 be taken up out of order for consideration.

So ordered.

SENATE JOINT RESOLUTION NO. 15.

Relative to Brigham H. Roberts.

WHEREAS, One Brigham H. Roberts has been chosen by the voters of Utah as a member of the House of Representatives; and

WHEREAS, Brigham H. Roberts has been convicted and sentenced to prison for the crime of unlawful cohabitation, and is notoriously living in a state of polygamy in defiance of the moral sense of the nation; and

WHEREAS, Brigham H. Roberts, in his practices, is but representative of the principles of the Mormon hierarchy, and his reception by Congress will be taken as an evidence that the assaults of the Mormon hierarchy on the basic principle of the family life of the nation are received with toleration, if not with approval; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That we urge the House of Representatives to deny participation in its counsels to Brigham H. Roberts; and, further, be it

Resolved, That we request Congress to submit to the Legislatures of the several States an amendment to the Constitution forbidding polygamy within the United States, or in any place subject to their jurisdiction, and making a polygamist ineligible to public office.

Joint resolution read.

The roll was called, and Senate Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Cutter, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Pace, Prisk, Rowell, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—21.

NOES—Senators Burnett, Dickinson, Doty, Luchsinger, and Smith—5.

Resolution ordered transmitted to the Assembly without delay.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 23—An Act to provide for the nomination of candidates for public office, the selection of delegates to national conventions, and the transaction, settlement, and control of certain affairs of political parties or organizations, by and through political conventions composed of delegates chosen at general primary elections, or their proxies, and to regulate the conduct of such elections, and define and provide for definite political committees to coöperate therein, and to enforce said method of making such nominations.

Passed on file, but to retain place on file.

Senate Bill No. 62—An Act entitled "An Act to amend the Political Code by adding a new section prohibiting the imposing of a license upon any person soliciting orders for the sale of articles manufactured or produced in this State, which under the laws of the United States cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States."

Passed on file, but to retain place on file.

Senate Bill No. 12—An Act to prevent the maintenance against the State, or any officer thereof, by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county, or any officer thereof, for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

Read second time, and ordered to engrossment.

Senate Bill No. 82—An Act authorizing the State Treasurer to furnish his office and the vault therein, and making an appropriation therefor.

During the second reading of bill, the following committee amendments were submitted:

Amend in Section 2, line 3, after the words "seven thousand five hundred dollars" by adding thereto the words "or as much thereof as may be necessary."

Amendment adopted.

Also: Amend by striking out all of Section 4.

Amendment adopted.

Also: Amend by striking out the words "Section 5," and inserting in lieu thereof the words "Section 4."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 151—An Act for the relief of John N. E. Wilson, ex-Insurance Commissioner of the State of California, and of James D. Byrnes and Frank C. De Long, the bondsmen of said John N. E. Wilson, ex-Insurance Commissioner, and authorizing the Attorney-General of the State of California to enter satisfaction of judgment for the sum of \$4,063 82, in full settlement of the suit entitled "The People of the State of California upon the complaint of E. P. Colgan, as

Controller of said State, plaintiff, vs. John N. E. Wilson, Frank C. De Long, and James D. Byrnes, defendants.”

During the second reading of bill, the following committee substitute for bill was submitted:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 151.

An Act authorizing the Attorney-General to settle and dismiss a certain action entitled “The People of the State of California, ex rel. E. P. Colgan, State Controller, plaintiff, vs. J. N. E. Wilson, F. C. De Long, and J. D. Byrnes, defendants,” wherein judgment was obtained against the defendants in the Superior Court of the County of Sacramento, State of California, which action is numbered 5990 in said court (which judgment as against the said J. N. E. Wilson was affirmed by the Supreme Court of the State of California), upon the payment to him for the use of the State of the sum of \$649 93, heretofore paid by said J. N. E. Wilson into the said Superior Court, and upon the further consideration of an assignment by said J. N. E. Wilson to the State of California of all his right, title, and interest in and to any and all of the moneys deposited by the said J. N. E. Wilson as Insurance Commissioner, in the Pacific Bank of San Francisco, and now remaining therein.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Attorney-General, upon the payment to him of the sum of \$649 93, heretofore paid by J. N. E. Wilson into the Superior Court of the County of Sacramento, State of California, and upon the further consideration of an assignment by said J. N. E. Wilson to the State of California of all his right, title, and interest in and to any and all moneys deposited by the said J. N. E. Wilson as Insurance Commissioner in the Pacific Bank of San Francisco, and now remaining therein and unpaid, is hereby authorized to settle and dismiss a certain action entitled “The People of the State of California, ex rel. E. P. Colgan, State Controller, plaintiff, vs. J. N. E. Wilson, F. C. De Long, and J. D. Byrnes, defendants,” wherein judgment was obtained against the defendants in the Superior Court of the County of Sacramento, State of California, said action being numbered 5990 in said Superior Court (which judgment as against the defendant J. N. E. Wilson was affirmed by the Supreme Court of the State of California), and the Attorney-General is authorized to settle and dismiss, upon the foregoing terms, said action as to any or all of the defendants therein.

SEC. 2. This Act shall take effect immediately.

Committee substitute adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 232—An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V of the Political Code, relating to the State Library.

During the second reading of bill, the following amendments were submitted:

By Senator Trout:

Amend by striking out in the sixth line the words “sixth day of April,” and inserting “twenty-eighth day of February.”

Also: Strike out all of Section 1, after the word “only” in the fourteenth line.

Amendments adopted.

By committee:

Amend by striking out, in Section 2, all of Subdivision 2, Section 2293.

On the adoption of the committee amendment, the ayes and noes were demanded by Senators Simpson, Bulla, and Langford.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Laird, Langford, La Rue, Pace, Prisk, Shortridge, Simpson, Taylor, and Trout—19.

NOES—Senators Bulla, Jones, Rowell, Smith, Stratton, and Wolfe—6.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would

move a reconsideration of the vote whereby the committee amendment to Senate Bill No. 232 was this day adopted.

Senator Bulla moved to amend as follows:

Strike out of Section 3, line 29, page 3, the word "Act," and insert the following word :
"Section."

Amendment adopted.

Bill read second time.

RESOLUTIONS—(OUT OF ORDER).

Senator Stratton offered the following resolution, and moved its adoption:

Resolved, That the Secretary of the Senate be instructed to correct the language of the several amendments in Senate Bill No. 30, wherein the word "Act" or "Acts" has been changed to "Chapter." This to apply only in so far as the word "Chapter" is used when it should be "Act," not meaning a statute. Also, correct in amendment No. 4, as last adopted, by striking out of the last two lines as they appear in the Journal of January 31st, the word "fifteen" and inserting "fifty," and striking out the word "twenty-five" and inserting in lieu thereof the word "fifteen."

Resolution adopted.

Senator Smith offered the following resolution, and moved its adoption:

Resolved, That a sub-committee of three from each of the committees on Finance and Claims, and on Public Buildings other than Prison Buildings, be authorized to visit the Home for the Feeble-Minded at Glen Ellen, Sonoma County; and that said committee be allowed its reasonable expenses on such visit.

Resolution adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills were introduced:

By Senator Smith: Senate Bill No. 453—An Act to amend an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Read first time, and referred to Committee on Mines, Drainage, and Débris.

By Senator Ashe: Senate Bill No. 454—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the obligations of the employer.

Read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 455—An Act making an appropriation to pay the claim of D. L. Blanchard for supplying provisions to a company of United States cavalry known as Captain Ramon Pico's company, during the War of the Rebellion, for \$1,587.

Read first time, and referred to Committee on Finance and Claims.

By Senator Bulla: Senate Bill No. 456—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled an Act to provide for Police Courts in cities having 30,000 and under 100,000 inhabitants, and to provide for officers thereof," approved March 18, 1885, and "to provide for clerks of Police Courts in cities of 26,000 and under 50,000

inhabitants," approved March 31, 1891, so that the same shall conform to the Act providing for the classification of municipal corporations.

Read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 457—An Act to amend Section 6 of an Act entitled "An Act to provide for Police Courts in cities having 30,000 and under 100,000 inhabitants, and to provide for officers thereof," approved March 18, 1885, and to provide for clerks of Police Courts in cities of 26,000 and under 50,000 inhabitants, approved March 31, 1891, and to provide clerks of Police Courts in cities having a population of more than 30,000 and not exceeding 100,000 inhabitants, approved March 26, 1895, so that the same shall conform to the Act providing for the classification of municipal corporations.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Langford: Senate Bill No. 458—An Act to protect the health of consumers, and making appropriation therefor.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Dickinson: Senate Bill No. 459—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Read first time, and referred to Committee on Finance and Claims.

By Senator Braunhart: Senate Bill No. 460—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Read first time, and referred to Committee on Judiciary.

By Senator Gillette: Senate Bill No. 461—An Act authorizing the Governor and Attorney-General to purchase for the State of California certain lands in Humboldt Bay, and making an appropriation therefor.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

WITHDRAWAL AND RE-REFERENCE OF BILL.

On motion of Senator Braunhart, Senate Bill No. 149—An Act to amend Section 8 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California, approved March 5, 1880, and providing for an additional department to be known as Department No. 4, and the appointment of a suitable person to act as Judge of said court, approved February 23, 1893, relative to stenographers"—was withdrawn from the San Francisco Delegation and referred to Committee on Judiciary.

ADJOURNMENT.

At four o'clock P. M., on motion of Senator Dickinson, the Senate was declared adjourned until ten o'clock A. M. of Thursday, February 2, 1899.

IN SENATE.

SENATE CHAMBER,

Thursday, February 2, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, February 1, 1899, was read.

The Journal of Monday, January 30, 1899, was approved.

RESOLUTION.

Senator Cutter offered the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrants on the Contingent Fund of the Senate in favor of the following persons for the amounts set opposite their respective names, for labor performed and services rendered up to and including January 31, 1899:

J. G. McCall, Assistant Sergeant-at-Arms, 5 days @ \$5	\$25 00
Hiram Clock, Porter, 5 days @ \$3	15 00
Steve Pruitt, Porter, 6 days @ \$3	18 00
A. Noble, Watchman, 5 days @ \$3	15 00
C. S. McMullan, Assistant Minute Clerk, 6 days @ \$6	36 00
E. Cowan, Porter, 6 days @ \$3	18 00
Junius Harris, Page, 8 days @ \$2 50	20 00
T. W. Measure, Electrician, 6 days @ \$4	24 00
F. M. Mott, Stenographer, 8 days @ \$5	40 00
Wm. Rogers, Porter, 5 days @ \$3	15 00
J. E. Carter, Porter, 8 days @ \$3	24 00
F. W. Lombard, Stenographer, 18 days @ \$5	90 00
James P. Tryce, Bill Clerk, 5 days @ \$4	20 00
G. E. Williams, Mailing Clerk, 12 days @ \$4	48 00
Geo. Hatton, Clerk, 5 days @ \$4	20 00
M. Driscoll, Clerk, 5 days @ \$4	20 00
Reed Baxter, Page, 5 days @ \$2 50	12 50
J. Terrill, Gatekeeper, 5 days @ \$3	15 00
Frank McQuaid, Clerk to Finance Committee, 5 days @ \$6	30 00
Thomas Rogers, Mailing Clerk, 6 days @ \$4	24 00

SUSPENSION OF RULES.

Senator Cutter moved a suspension of the rules for the purpose of considering the above resolution.

Rules suspended by unanimous vote.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Cutter, Dwyer, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—27.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of a standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 2, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 104—An Act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments.

Also: Senate Bill No. 111—An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions.

Also: Senate Bill No. 269—An Act to amend Section 1350 of the Code of Civil Procedure of the State of California, relating to executors.

Also: Senate Bill No. 342—An Act to amend Section 1033 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service and affidavit of bill of costs, and motion to relax same.

Also: Senate Bill No. 386—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872, and of all Acts amendatory thereof and supplementary thereto, relating to undertakings in actions of libel.

Also: Senate Bill No. 147—An Act to amend Section 1970 of the Civil Code of the State of California, relating to obligations of employers.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 326—An Act to amend the title to an Act entitled "An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund," to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled "An Act to appropriate money to reimburse the University of California for money heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes, and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893, to amend Section 4 of the same Act, and to appropriate the sum of \$16,747 50 now in the University Fund and unavailable—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to the Committee on Finance and Claims.

Also: Senate Bill No. 356—An Act to amend Section 1383 of the Code of Civil Procedure of the State of California, relating to letters of administration—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 412—An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to appointment of special administrators of the estates of deceased persons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 130—An Act to amend Section 849 of the Penal Code of the State of California, relating to arrests—have had the same under consideration, and respectfully report the same back without recommendation.

GILLETTE, Chairman.

Senate Bills Nos. 104, 111, 269, 342, 386, 147, 356, 412, and 130 ordered on file for second reading.

Senate Bill No. 326 referred to Committee on Finance and Claims.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 250—An Act to amend Section 3608 of the Political Code of the State of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue, and to add new sections, to be known as Sections 3609 and 3610, also relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

Assembly Bill No. 250 read first time, and referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Smith: Senate Bill No. 462—An Act to protect domestic

live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Also: Senate Bill No. 463—An Act to amend Section 1170 of the Penal Code of California.

Read first time, and referred to Committee on Judiciary.

By Senator Boyce: Senate Bill No. 464—An Act relating to permissive physical examinations by Boards of School Trustees and City Boards of Education, and providing for a bureau of child study.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Langford: Senate Bill No. 465—An Act to pay the claim of William Henry Murray against the State of California, and appropriating money therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Dickinson: Senate Bill No. 466—An Act regarding organizations, officers, and members of the National Guard who entered the United States Volunteer service during the year 1898, their privileges and exemptions.

Read first time, and referred to Committee on Military Affairs.

By Senator Luchsinger: Senate Constitutional Amendment No. 15—Relative to an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same.

Passed on file, but to retain place on file.

Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

Read third time.

Senator Braunhart moved that the bill be referred to Senator Taylor, as a special committee of one, to amend as follows:

Strike out of Section 1, lines 13 and 14, printed bill, the words "propelled by electricity."

Motion carried, and bill so referred.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 2, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties—with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 54—An Act to provide for the issuance and sale of

State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Passed on file, but to retain place on file.

Senate Bill No. 19—An Act to amend an Act to regulate the width of tires of wagons to be used on the public highways of the State of California, approved March 20, 1897, by adding a new section limiting its operation.

Passed on file, but to retain place on file.

SECOND READING OF BILLS.

Senate Bill No. 23—An Act to provide for the nomination of candidates for public office, the selection of delegates to national conventions, and the transaction, settlement, and control of certain affairs of political parties or organizations, by and through political conventions composed of delegates chosen at general primary elections, or their proxies, and to regulate the conduct of such elections, and define and provide for definite political committees to cooperate therein, and to enforce said method of making such nominations.

Senator Morehouse asked unanimous consent of the Senate to withdraw Senate Bill No. 23.

Unanimous consent granted, and Senate Bill No. 23 withdrawn and ordered stricken from the file.

Senate Bill No. 62—An Act entitled "An Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which under the laws of the United States cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States."

On motion of Senator Leavitt, the consideration of Senate Bill No. 62 was postponed until Friday, February 3, 1899, but to retain place on file.

Senate Bill No. 65—An Act to add a new section to the Political Code, to be known as Section 793, relating to notaries public.

Read second time, and ordered to engrossment.

Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Read second time, and ordered to engrossment.

Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897.

Temporarily passed on file.

Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

Passed on file, but to retain place.

Senate Bill No. 32—An Act to amend Section 595 of the Civil Code.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the following, to precede line 1, page 1:

An Act to amend Section 595 of the Civil Code, relating to powers of benevolent corporations.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 595 of the Civil Code of California is hereby amended so as to read as follows.

Amendment adopted.

Also: Amend by striking out the word "the" on line 5, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the word "to" on line 6, page 1, printed bill, and inserting in lieu thereof the following: "of."

Amendment adopted.

Also: Amend by striking out the word "twenty," line 8, page 1, printed bill, and inserting in lieu thereof the following: "fifty."

Amendment lost.

Also: Amend by inserting after the last word the following: "Section 2. This Act to take effect immediately."

Amendment adopted.

Also: Amend by inserting after the word "land" the following: "and not exceeding one hundred and sixty acres in extent," on line 26, page 2, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 94—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

During the second reading of bill, the following committee amendment was submitted:

Amend by inserting the word and figures "Section 427," on line 3, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend the Constitution of the State by adding to Article XIII thereof a section in relation to the exempting from taxation of churches and chapels and the real property on which they are situated, said new section to be inserted after Section 1 of said Article XIII, and to be designated as Section 1½ of said article.

Constitutional amendment read.

The following amendments were submitted by the committee:

Amend by inserting after the word "and" the words "so much of," on line 2, page 1 printed bill.

Amendment adopted.

Also: Amend by inserting after the word "situated" the following: "As may be required for the convenient use and occupation of said buildings; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation," on line 2, page 1, printed bill.

Amendment adopted.

Senate Constitutional Amendment No. 7 ordered to print.

Senate Bill No. 133—An Act concerning registration for primary elections.

During the second reading of bill, the following substitute was submitted by the committee:

An Act adding two new sections to the Political Code of this State, to be numbered 1118 and 1119, concerning elections, providing for registration for primary elections.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Two new sections are hereby added to the Political Code, to be numbered 1118 and 1119, concerning elections, providing for registration for primary elections, as follows:

Section 1118. The qualifications and registration of voters at primary elections shall be subject to the same tests and governed by the same rules and regulations as are in the Constitution and Political Code of this State established and prescribed for other elections; and the same officers who prepare and furnish registers for general elections, as provided for in this Code, shall prepare and furnish them for use at primary elections. It shall be the duty of the proper officers to furnish the register, and supplements thereto, for use at primary elections, which shall show the names of all voters entitled to vote at such elections; *provided*, that where a new registration pursuant to law is not completed, in point of time, sufficient to permit of its use at the next ensuing primary election, then the register used at the last general election in any county, or city and county, in this State, may be used at any primary election, together with supplemental registers, or additions, showing all additional registration, changes, and corrections made since the last general registration.

Section 1119. All persons entitled to register or vote at any primary election in any city, county, or city and county, whose names are not upon the register, or who may be entitled to transfer their registration, shall be entitled to be registered or transferred so as to enable them to vote at such primary election, and for that purpose it shall be the duty of the officer charged with the registration of voters in each county, or city and county, to keep his office open for at least fifty days prior to the fifteen days immediately preceding such primary election.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill ordered to print and engrossment.

Senate Bill No. 50—An Act providing for the use of separate ballot-boxes for each political party at primary elections.

Passed on file, but to retain place on file.

Senate Bill No. 83—An Act to amend Section 1188 of the Political Code, relating to the method by which candidates for public office may be nominated.

During the second reading of bill, the following amendment was offered by Senator Stratton:

Amend by striking out the words "such a certificate, when made as above prescribed, shall have the same effect as a certificate of nomination made by a party convention," on lines 35, 36, and 37, second page of printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Bulla, messages from the Assembly were taken up and read, as follows:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 9—Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or in lieu thereof the permission of pasturage of sheep in said portion thereof for the year 1899.

Also: Passed Assembly Bill No. 287—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California," and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, the deputy clerks, and the stenographer of the Clerk of the Supreme Court.

Also: Assembly Bill No. 288—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California," and providing for the appointment of a chief

deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court.

Also: Assembly Bill No. 286—An Act authorizing cities and towns of the sixth class to obtain by purchase, donation, or devise, lands for cemetery purposes, and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

Also: Assembly Bill No. 329—An Act to amend Section 3453 of the Political Code.

Also: Assembly Bill No. 132—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding two new sections thereto, to be respectively numbered and known as Sections 730 and 730½.

Also: Assembly Bill No. 61—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 6½, relating to securing claims for labor done and material furnished for improvements under said Act.

Also: Assembly Bill No. 158—An Act to amend Sections 6, 7, and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and an amendatory Act thereof, approved March 7, 1889.

Also: Assembly Bill No. 96—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property.

Also: Assembly Bill No. 98—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics and other liens upon real property.

Also: Assembly Bill No. 207—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

Senate Joint Resolution No. 9 ordered to enrollment.

Assembly Bills Nos. 287 and 288 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 286 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 329, 132, 61, 96, 98, and 207 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 158 read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 95—An Act to amend Section 1186 of the Political Code, relating to conventions.

During the second reading of bill, Senator Stratton moved to amend as follows:

Amend by striking out of Section 1, line 22 of the printed bill, the word "amended."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

At eleven o'clock and forty minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senate Bill No. 67—An Act adding a new section to the Political Code of this State, to be known and designated as Section 1118, providing for registration and the use of registers at primary elections.

Passed on file, but to retain place on file.

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Passed on file, but to retain place on file.

Senate Bill No. 379—An Act to promote the purity of primary elections, and to punish offenses thereat.

During the second reading of bill, the following committee substitute for bill was submitted:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 379.

An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 64½, relating to elections, by providing for the punishment of offenses at primary elections.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 64½, to read as follows:

Section 64½. All the provisions of Sections 40 to 64 of this Code, both inclusive, shall apply with like force and effect to elections known and designated as primary elections, held and conducted under official supervision pursuant to law and to registration therefor, as to other elections, whether the word "primary" be used in connection with the word "election" or "elections" used in said sections or not.

SEC. 2. This Act shall take effect immediately.

Committee substitute adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Read second time, and ordered to engrossment.

Senate Bill No. 49—An Act to amend Sections 1094, 1095, 1096, 1097, 1101, 1103, 1104, 1105, 1113, 1115, 1116, 1130, 1204, 1261, and to repeal Sections 1098, 1099, 1100, 1114 of the Political Code.

During the second reading of bill, the following amendments were submitted by the committee:

Amend line 1 of the title by adding after the word "Sections" the figures "1083."

Amendment adopted.

Also: Amend Section 1, line 1, by adding after the word "Sections" the words "ten hundred and eighty-three."

Amendment adopted.

Also: Amend by adding after line 8, printed bill, the following: "Every male citizen of the United States, every male person who shall have acquired the right of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, and who has conformed to the law governing the registration of voters, shall be a qualified elector at any and all elections held within the county, city and county, city, town, or district within which such elector resides."

Amendment adopted.

Also: Amend by striking out of Section 1 all after the word "thereto," on line 17, own to and including "San Francisco," line 23, and inserting the following:

"Such registration shall begin on the first day of January of such years, and shall be in progress at all times except during the forty days immediately preceding any election, when it shall cease as to electors residing in the territory within which such election is to be held, but transfers may be made from one precinct or ward to another in the same county, or city and county, at any time except within twenty-five days immediately preceding any such election.

"Upon the written request of the officer charged with the registration of voters, every landlord or keeper of premises where lodgers abide shall furnish said officer a list of all lodgers occupying rooms, or sleeping apartments, or beds, in the premises under his control.

"Such lists shall be furnished upon blanks provided by said officer. Any landlord or keeper of premises where lodgers abide who neglects or refuses to comply promptly with the provisions of this section, shall be guilty of misdemeanor.

"Any voter registered in premises in which the landlord or keeper neglects or refuses to comply with this Act shall be cited to appear before the Election Commissioners within five days in order to verify his right to vote.

"It shall be considered as a proper citation to such voter, if the citation is addressed to the name of the party registered, the number of room and place of registration; and if the party cited does not appear, in answer to the citation, at the time appointed, his name shall be stricken from the register of voters. The landlord or keeper of premises

from which the voter is registered shall also be cited to appear at the same time and place at which the citation of his alleged lodger is returnable."

Amendment adopted.

Senator Smith moved that further consideration of Senate Bill No. 49 be postponed until the Senate should have returned from Joint Assembly.

Motion carried.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem. having resumed the chair, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 2, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Steward, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—76.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Wednesday, February 1, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, February 1, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—11.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	4 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	11 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentert—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kennelly, Lundquist, McKee, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—18.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Mr. Brooke—1.
For Stephen M. White—Messrs. Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.
For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	77
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	18 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	20 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	18 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	114
Necessary to a choice.....	58
W. H. L. Barnes received.....	11 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	13 votes.
D. M. Burns received.....	25 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	27 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	29 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

Senator Braunhart moved that the Joint Assembly do now adjourn.
Motion lost.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—11.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	4 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	11 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For *M. M. Estee*—Mr. Wade—1.

For *R. N. Bulla*—Messrs. Belshaw, Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For *D. M. Burns*—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For *C. N. Felton*—Mr. Brown—1.

For *U. S. Grant, Jr.*—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For *Irving M. Scott*—Mr. Dunlap—1.

For *Marion De Vries*—Mr. Brooke—1.

For *Stephen M. White*—Messrs. Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.

For *John Rosenfeld*—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	77
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	18 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	18 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	114
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M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	25 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	27 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	29 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes p. m., on motion of Senator Leavitt, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock m. of Friday, February 3, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty-five minutes p. m., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Chapman, Currier, Cutter, Doty, Feeney, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—26.

Quorum present.

SECOND READING OF BILLS—(RESUMED).

Senator Smith moved that the consideration of Senate Bill No. 49—An Act to amend Sections 1094, 1095, 1096, 1097, 1101, 1103, 1104, 1105, 1113, 1115, 1116, 1130, 1204, 1261, and to repeal Sections 1098, 1099, 1100, 1114 of the Political Code—be resumed.

Motion carried.

During the second reading of bill, the following amendments were submitted:

By committee:

Amend by striking out of Section 1, line 35, all after the word "in," down to the word "by" on line 36, and inserting the following: "municipal corporations."

Amendment adopted.

Also: Amend by adding after line 56 of the printed bill, the following:

"2. If a naturalized citizen, upon the production of his certificate of naturalization, which certificate must be issued ninety days prior to the succeeding election, or upon his own affidavit that it is lost or out of his possession, which affidavit must state the place of his nativity, and the time and place of his naturalization, together with his affidavit that he has resided in the United States for five years, and in this State for one year next preceding the time of application, and that he would be an elector of the county at the next succeeding election; *provided, however,* if such naturalized citizen shall have been previously registered as a qualified elector in any of the counties, or cities and counties of this State, his name must not be entered by the clerk unless he produces a certificate of such registration, issued by the party authorized by law to issue such certificates, which certificate shall be *prima facie* evidence of his naturalization.

"3. If born in a foreign country, upon his affidavit that he became a citizen of the United States by virtue of the naturalization of his father while he was residing in the United States, and under the age of twenty-one years, and that he is or would be an elector of the county at the next succeeding election."

Amendment adopted.

Also: Amend by striking out of line 57, printed bill, the figure "2" and inserting "4."

Amendment adopted.

Also: Amend by adding after the word "peace," line 60, the words "of any township."

Amendment adopted.

Also: Amend by striking out of line 63 of printed bill the figure "3" and inserting "5."

Amendment adopted.

Also: Amend by striking out all of lines 73 to 80, inclusive.

Amendment adopted.

Also: Amend by striking out of the title, line 1, "1104," and inserting in line 3 of the title, after the figures "1100," the figures "1104."

Amendment adopted.

Also: Amend Section 2 by inserting after "1100" the figures "1104."

Amendment adopted.

Also: Amend Section 3, line 2, by striking out "nineteen hundred" and inserting the following: "eighteen hundred and ninety-nine; *provided,* that registration for any elections to be held during the year eighteen hundred and ninety-nine, after said thirtieth day of June, shall begin on the first day of July, eighteen hundred and ninety-nine."

Amendment adopted.

Also: Amend by striking out all of lines 115, 116, and 117, printed bill.

Amendment adopted.

By Senator Smith:

Amend by striking out of line 98 the word "nativity," and inserting in lieu thereof the following: "address."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

RECESS.

On motion of Senator Leavitt, at the hour of twelve o'clock and fifty-five minutes P. M., the Senate was declared at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

Pursuant to adjournment, the Senate met at two o'clock and thirty minutes P. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

Quorum present.

LEAVE OF ABSENCE.

At two o'clock and forty-five minutes P. M., Senators Prisk, Boyce, Chapman, Simpson, and Dickinson were granted leave of absence for one hour, for committee work.

Senator Doty was granted a leave of absence for the day, on his own motion.

RESOLUTION—(OUT OF ORDER).

Senator Simpson offered the following resolution:

Resolved, That Albert Searl be and he is hereby elected a Bill Clerk of this Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hoey, Laird, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—25.

NOES—None.

RESIGNATIONS.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

To the Senate of the State of California:

GENTLEMEN: I herewith tender my resignation as committee clerk of the Senate, the same to take effect immediately.

F. A. DUTTON.

Resignation accepted.

SENATE CHAMBER, SACRAMENTO, January 31, 1899.

To the Senate of the State of California:

GENTLEMEN: Having been appointed to the position of Chief Clerk of the Senate Judiciary Committee, I herewith tender my resignation as one of the stenographers to the Senate.

Respectfully submitted.

A. S. LONGLEY.

Resignation accepted.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 58—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and further action withheld until Senate Bill No. 194, the next on file, be read.

Senate Bill No. 194—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

During the second reading of bill, the following committee substitute for the two bills—Senate Bills Nos. 58 and 194—was submitted:

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 58 AND 194.

An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An additional subdivision, to be known as Subdivision 16, shall be added to Section 188 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897, to read as follows:

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, and in examinations for committal to the asylum for the insane, a monthly salary of \$100, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of 10 cents per folio for the original, and 5 cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct; *provided*, that if a reporter pro tempore shall be appointed by the Judge of the Superior Court under the provisions of section two hundred and seventy-one (271) of the Code of Civil Procedure, he shall receive as his compensation for his services for taking notes as herein provided, such sum as may be allowed by said judge, which sum shall be deducted from the salary of the official reporter, and for transcription of said notes the fees hereby provided; *further provided*, that when transcription of said notes shall be ordered by the judge in civil cases, the amount paid therefor by the prevailing party shall be taxed as costs in the case.

Sec. 2. Subdivision 16 of Section 189 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897, is hereby amended to read as follows:

16. In counties of this class the official reporter of the Superior Court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, and in examinations for committal to the asylum for the insane, a monthly salary of \$100, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of 10 cents per folio for the original, and 5 cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct; *provided*, that if a reporter pro tempore shall be appointed by the Judge of the Superior Court under the provisions of Section 271 of the Code of Civil Procedure, he shall receive, as his compensation for his services for taking notes as herein provided, such sum as may be allowed by said judge, which sum shall be deducted from the salary of the official reporter, and for transcription of said notes the fees hereby provided; *further provided*, that when transcription of said notes shall be ordered by the judge in civil cases the amount paid therefor by the prevailing party shall be taxed as costs in the case.

Committee substitute read and adopted.

Bill ordered to print and engrossment.

Senate Bill No. 152—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces and other works for cremation of human

bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease.

During the second reading of bill, the following amendment was offered by Senator Bettman:

Amend by striking out of Section 1 the following words: "nor shall the ashes of a cremated person be kept or deposited for a longer time than one year outside of the walls of a building not used exclusively as a 'columbarium' unless said ashes are interred in a cemetery or other place where the dead are permitted by law to be burned."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senator Morehouse moved that Senate Bill No. 46 (No. 44 on file) be taken up for second reading.

Motion carried.

Senate Bill No. 46—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

During the second reading of bill, the following amendment was submitted:

Amend by striking out the word "four," on line 9, page 1, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Joint Resolution No. 7—An Act relating to false branding of food products.

SENATE JOINT RESOLUTION No. 7.

Relating to false branding of food products.

WHEREAS, It has become known to the people in the State of California that many of their staple articles of production that commend themselves to the consumers of the world by reason of their purity and quality, markets for which have only been obtained by the expenditure of much time and energy, are being counterfeited by unscrupulous persons in many parts of the Union, by the substitution for the pure California product of certain mixtures of articles not the product of California, and labeling the packages containing them as being a pure product of California; and

WHEREAS, The subject of false branding and labeling of articles of food and beverages is recognized by producers and consumers throughout the civilized world as being of vital importance to commerce and the health of the people, being especially so to the producers of California, who by reason of their large annual output seek foreign markets for their surplus products, and who find that the good name and reputation of their goods are seriously injured in the markets of the world, and the trade therein restrained by reason of such false branding and labeling; and

WHEREAS, This condition is fully met by the provisions of a bill entitled "A bill for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the several States, the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes," introduced in the National House of Representatives by Hon. Marriot Brosius (H. R. 9154) and in the Senate by Hon. Charles J. Faulkner (S. No. 4144), and indorsed by the National Pure Food Congress, which makes such false branding and labeling a misdemeanor, Section 5 of which provides that the term "misbranded" as used therein, "shall include all drugs, or articles of food, or articles which enter into the composition of foods or condiments the package or label of which shall bear any statement purporting to name any ingredients or substances as not being contained in such article, which statement shall be false in any particular, or any condiment or food product which is falsely branded as to the State or Territory in which it is manufactured or produced;" therefore, be it

Resolved by the Senate and Assembly, jointly, That we hereby instruct our Senators, and request our Representatives in Congress from this State, to urge by all possible means the passage of the Faulkner and Brosius bills by Congress at an early date; and be it further

Resolved, That the Secretary of State is hereby instructed to forward certified copies of the foregoing resolutions to the Senators and Representatives from this State in the Fifty-fifth and Fifty-sixth Congresses.

Joint resolution read.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Currier, Cutter, Dwyer, Flint, Gillette, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—25.

NOES—None.

Senate Joint Resolution No. 7 ordered transmitted to the Assembly without delay.

On motion of Senator Braunhart, Senate Bill No. 5, this day passed temporarily on file, was taken up.

Senate Bill No. 5—An Act to amend an Act entitled “An Act to amend an Act entitled ‘An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,’ approved March 23, 1893,” approved March 9, 1897.

During the second reading of bill, the following amendments were submitted:

Amend by striking out the words “brother and sister,” also the commas following “brother and sister,” on line 21, page 2, printed bill.

Amendment adopted.

Also: Amend by inserting after the word “now” the words “or hereafter,” on line 26, page 2, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 214—An Act to compel employers to furnish medical and surgical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used.

During the second reading of bill, the following amendments were offered:

By Senator Morehouse:

Amend by inserting after the word “hours,” on line 4, section 1, the words “without contributory negligence on his part and without the fault, carelessness, or negligence of a fellow employé.”

By Senator Bulla:

Amend the amendment by striking out of the amendment “and without the fault, carelessness, or negligence of a fellow employé.”

The question being on the adoption of the amendment offered by Senator Bulla.

The ayes and noes were demanded by Senators Braunhart, Taylor, and Wolfe.

The roll was called, and the amendment to the amendment adopted by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Currier, Doty, Dwyer, Hall, Hoey, Langford, La Rue, Luchsinger, Pace, Rowell, Sims, Smith, Taylor, and Wolfe—17.

NOES—Senators Bettman, Burnett, Davis, Flint, Gillette, Jones, Laird, Leavitt, Maggard, Morehouse, Nutt, Shortridge, and Trout—13.

The question recurring on the amendment of Senator Morehouse, as amended.

The same was adopted.

By Senator Morehouse:

Amend by striking out all of Section 3.

Amendment adopted.

By Senator Braunhart:

Amend by renumbering Section "4," Section "3."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 177—An Act to add a new section to the Civil Code, to be known as Section 431 thereof, relating to the form of fire insurance policies.

The question having been put, "Shall the bill be read a second time?"

Senator Shortridge moved that a second reading be denied the bill.

The roll was called, and the Senate refused to deny the bill a second reading by the following vote:

AYES—Senators Bettman, Boyce, Burnett, Jones, Laird, Shortridge, and Simpson—7.

NOES—Senators Ashe, Braunhart, Bulla, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Langford, La Rue, Luchsinger, Morehouse, Nutt, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—23.

Bill read second time, and ordered to engrossment.

Senate Bill No. 178—An Act to add a new section to the Political Code of California, to be known as Section 635 thereof, relating to the form of fire insurance policies.

Passed on file, but to retain place on file.

Senate Bill No. 10—An Act to amend Sections 3, 4, 5, 6, 7, 8, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, as amended by an Act entitled "An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled 'An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands,'" approved April 15, 1880; approved March 19, 1889.

Read second time, and ordered to engrossment.

Senator Morehouse moved that Senate Bill No. 214—An Act to compel employers to furnish medical and surgical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used—this day ordered to print and engrossment, be recalled from engrossment for the purpose of further amendment.

Motion carried by unanimous vote.

Bill recalled.

Senator Morehouse moved that the vote whereby his amendment as amended by Senator Bulla was carried be reconsidered.

Motion carried by unanimous vote.

Senator Bulla moved that the vote whereby the amendment proposed by Senator Morehouse was amended, on his motion, be reconsidered.

Motion carried by unanimous vote.

Bill ordered on file, in the absence of its author, on motion of Senator Wolfe.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 2, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 160—An Act to provide for the classification of the roads in the State of

California, and to define each class—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 161—An Act to amend Section 2643 of the Political Code, relating to road tax and its apportionment among road districts.

Also: Senate Bill No. 295—An Act to amend Section 2643 of the Political Code, relating to the duties of Boards of Supervisors respecting roads.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute for the two bills do pass.

Also: Senate Bill No. 162—An Act to amend Article IV, Section 2651, of the Political Code, relating to General Road Fund and highway taxes—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Senate Bill No. 163—An Act to amend Section 2655 of the Political Code, relating to highway taxes to be expended in districts—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Senate Bill No. 164—An Act to provide for the acceptance of highways of the first class by the State, and the maintenance of the same, and to make an appropriation therefor.

Also: Senate Bill No. 340—An Act to repeal an Act entitled "An Act to create a Department of Highways of the State of California, to define its duties and powers, to provide for the appointment of employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897.

Also: Senate Bill No. 220—An Act to repeal an Act entitled "An Act to create a Bureau of Highways, and prescribe its duties and powers, and to make an appropriation for its expenses," approved March 27, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

CUTTER, Chairman.

Senate Bills Nos. 160, 164, 340, 220, Committee Substitute for Senate Bills Nos. 161 and 295, Committee Substitute for Senate Bill No. 162, and Committee Substitute for Senate Bill No. 163, ordered on file for second reading.

Senator Cutter moved that Substitute for Senate Bills Nos. 161 and 295, and Substitutes for Senate Bills Nos. 162 and 163, be printed.

So ordered.

NOTICE OF MOTION TO RECONSIDER LAID ON THE TABLE.

Senator Simpson moved that his notice to reconsider the vote whereby committee amendment to Senate Bill No. 232 was on yesterday adopted be laid on the table.

Motion carried.

Senate Bill No. 232 ordered to engrossment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Davis: Senate Bill No. 467—An Act authorizing the Attorney-General to appoint a competent person to compile and index the opinions of the Attorneys-General of the State of California, and making an appropriation for the payment of such compilation and indexing.

Read first time, and referred to Committee on Finance and Claims.

By Senator Morehouse: Senate Bill No. 468—An Act providing for the construction of a State highway or free wagon road from Mount Hamilton Observatory, in Santa Clara County, to the San Joaquin River, in Stanislaus County, to connect with the most desirable public road leading to the Yosemite Valley; providing for the appointment of a Board of Commissioners and authorizing and directing said Board of Commissioners to perform certain duties relating to the construction of

such highway, and to condemn land and property for the purpose aforesaid, and making an appropriation for the expenditures and purposes provided in this Act.

Read first time, and referred to Committee on Finance and Claims.

By Senator Langford: Senate Bill No. 469—An Act to authorize the Board of Managers of the Stockton State Hospital at Stockton to purchase lands for farm and dairy purposes for the use of the Stockton State Hospital at Stockton, under control of said Board of Managers, and to construct necessary farm buildings and fencing thereon, and such other improvements as may be necessary for said purposes, and to purchase live stock, farming utensils, and other personal property necessary therefor, and appropriating money therefor.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 470—An Act making an appropriation of \$5,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Brauhart: Senate Bill No. 471—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the manner of taking depositions within this State.

Read first time, and referred to Committee on Judiciary.

By Senator Jones: Senate Bill No. 472—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a reformatory for the confinement and reformation of prison convicts; to select and secure a site, and submit sketch, plans, and specifications therefor; to investigate and report upon the feasibility of the sale of the property belonging to the State at San Quentin, and of segregating the prisoners into classes, looking to the confinement of incorrigibles at Folsom Prison; to enlarge said prison for that purpose, and to the confinement of those capable of reformation at such reformatory when established, and to make an appropriation for such purposes.

Read first time, and referred to Committee on State Prisons and Prison Buildings.

By Senator Nutt: Senate Bill No. 473—An Act to provide for redeeming property sold to the State for delinquent taxes for years prior to 1893, and for the payment of delinquent taxes for such years, and providing for deeds to be issued upon all property sold to the State for such years, which has not been redeemed, and authorizing suit to be brought for enforcing the lien for delinquent taxes for such years, and requiring individual purchasers to procure tax deeds or relinquish their right to property purchased at tax sales, and providing that the Act shall apply to cities.

Read first time, and referred to Committee on Judiciary.

By Senator Trout: Senate Bill No. 474—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State."

Read first time, and referred to Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 475—An Act to pay the claim

of the Liverpool and London and Globe Insurance Company against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Davis: Senate Joint Resolution No. 17—Relative to the mineral lands within the railroad land grants in California, and the segregation and reservation of said mineral lands.

Referred to Committee on Federal Relations and Immigration.

PETITIONS—(OUT OF ORDER).

Senator Braunhart presented the following petition, which was read and ordered printed in the Journal, down to and including the sixth name thereon:

To the Honorable the Senate and Assembly in the Legislature of 1899 convened:

The undersigned, citizens and taxpayers of and in the commonwealth of California, respectfully represent to your honorable bodies the propriety and necessity of ameliorative legislation with respect to the costs of litigation in the judicial tribunals of this State, and in this behalf we respectfully remind your honorable bodies that all the political parties in the municipal platforms in San Francisco in the last campaign pledged their legislative candidates specifically in this regard, and we quote herewith the following plank from the Republican municipal platform adopted September 29, 1898:

"We pledge our legislative nominees to propose and support legislation for the reduction of the expense of litigation and the cost of probate proceedings and the reduction of commissions of executors and administrators, and especially attorneys' fees, in the matter of probate estates."

This is substantially the language of the Democratic platform indorsing the same reform.

We respectfully pray that this pledge be carried out by appropriate legislation.

MARTIN WHITE.
D. S. PAENSWORTH.
LE COUNT BROS.
M. C. HARRIS.
DR. CHARLES W. DECKER.
DR. GEORGE R. HARRIS.

And 203 other leading business men.

Senator Simpson presented the following petition, which was read and ordered printed in the Journal, down to and including the sixth name thereon:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Whittier, in the County of Los Angeles, California, respectfully ask your honorable body to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

FRED M. FOSTER.
CYRUS BALDWIN.
NELLIE BLAND.
J. E. FRAZIER.
C. TRUEBLOOD.
ELLA SHARPLES.
And 320 others.

On motion of Senator Dickinson, the Senate Committee on State Institutions was authorized to have printed (on rush order) its report, preparatory to presenting same to Senate.

RESOLUTIONS—(OUT OF ORDER).

By Senator Taylor:

Resolved, That the Bill Clerks are hereby directed to assist the Bill Filers in the discharge of their duties whenever so directed by the Secretary.

Resolution read and adopted.

By Senator Smith:

Resolved, That the State Printer be directed to print but 250 copies of the Senate Daily History and Senate Daily File.

Resolution read and adopted.

Also:

Resolved, That the State Printer be directed to print 150 extra copies of all bills and resolutions now in type or hereafter set up; that the same be delivered to the Press Mailing Clerks of the Senate, and by them mailed daily to such newspapers in the State as shall be indicated by the members of the Senate, not exceeding four in each Senatorial District.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

Resolved, That the postage required in carrying out the provisions of the foregoing resolution be paid out of the fund for the contingent expenses of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

WITHDRAWAL OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 406—An Act for the relief of Mrs. Emma Kelly, and to appropriate money therefor.

Senate Bill No. 406 withdrawn and ordered stricken from the file.

SENATE BILL RE-REFERRED.

On motion of Senator Gillette, Senate Bill No. 263—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 1745 and 1746 respectively, relating to the appointment of Public Administrators as guardians of the estates, or the persons and estates, of minors and insane persons—was referred to the Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of a standing committee was received and read:

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 30, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 200—An Act providing for the selection, condemnation, and purchase of a suitable site, and the erection thereon of a State building, in San Francisco, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and without recommendation other than that it be referred to the Committee on Finance and Claims.

SMITH, Chairman.

Senate Bill No. 200 referred to Committee on Finance and Claims.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until ten o'clock A. M. of Friday, February 3, 1899.

IN SENATE.

SENATE CHAMBER,
Friday, February 3, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, February 2, 1899, was read.

The Journal of Tuesday, January 31, 1899, was approved.

LEAVE OF ABSENCE.

Senator Currier was granted a leave of absence until Monday, February 6, 1899, on motion of Senator Bulla.

Senator Pace was granted a leave of absence until Monday, February 6, 1899, on motion of Senator La Rue.

PETITIONS.

Senator Laird presented the two following petitions, which were ordered printed in the Journal:

ALTURAS, CALIFORNIA, December 30, 1898.

To the Honorable J. T. LAIRD, Senator Fifth Senatorial District:

DEAR SIR: It is the unanimous wish of the grand jury of Modoc County that you have the County Government Act of 1897 amended, by adding paragraph 16 to Section 208, creating the office of License Collector for the County of Modoc: "Section 16. The License Collector, such compensation as the Board of Supervisors shall fix, to take effect immediately after its passage."

Very respectfully,

JOHN H. BOMEN.
H. BEARDSLEY.
D. C. BERRY.
L. C. CARPENTER.
HENRY C. GIVAN.
C. E. CROWDER.
And twelve others.

Also:

We, the undersigned, electors of the County of Modoc, State of California, hereby request of our representatives in the Legislature of California, that they present and use their efforts to obtain such amendments to the Code of this State as will fix the fees of grand and trial jurors (not including jurors in Justices' Courts), at the sum of \$3 per day, and their mileage at 25 cents per mile one way.

LUKE MULKEY.
W. H. NELSON.
GEO. M. GLEASON.
J. W. SPEEKS.
R. L. SLOSS.
T. W. HUGHES.
A. A. SMITH.
And forty-four others.

Senator Leavitt presented the following petition, which was ordered printed in the Journal:

To the Senate and Assembly of California :

WHEREAS, Nearly every State in the Union except California is permitted by special laws to form and conduct fire insurance companies on the mutual plan, we, the undersigned, members of the Merchants' Exchange, merchants, manufacturers, and insurers in general of Alameda County, believe that California is entitled to all the statutory privileges granted to her sister States by their Legislatures, we therefore most earnestly beg your honorable body to make statutory provisions of some kind which will permit the people of the State to form and operate mutual fire insurance companies.

GEORGE W. ARPER,
President Merchants' Exchange.
D. C. BROWN,
Vice-President Merchants' Exchange.
H. D. CUSHING,
Treasurer Merchants' Exchange.
WILBER WALKER,
Secretary Merchants' Exchange.

And thirty-five other leading Alameda County business men.

Senator Bulla presented the following petition, which was ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Los Angeles, in the County of Los Angeles, California, respectfully ask your honorable body to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

(Signed by)

JOHN LEES.

And twelve other residents.

MOTIONS, RESOLUTIONS, AND NOTICES.

The following resolution was submitted by Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in the sum of \$325 65, in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, in payment of sundry bills hereto attached, and the Treasurer is hereby directed to pay the same, the same payable out of the Contingent Fund of the Senate.

ATTACHED BILLS.

To Hale Bros. & Co., 90 yards crash.....	\$13 50
Miss T. N. Hall, making and laundering three dozen towels.....	9 00
Mrs. Magee, washing towels.....	5 00
Capital Artesian Water Co., water 26 days.....	52 00
Emil Steinmann, repairing clock.....	2 50
John Breuner, labor taking down draperies, repairing floor, etc.....	19 50
Union Ice Co, 2,400 pounds ice.....	24 00
F. M. Jones, rent two typewriters.....	10 00
Wyckoff, Seamans & Benedict, three copy holders.....	6 00
Capital Transfer Van and Storage Co., delivering mail.....	75
Wyckoff, Seamans & Benedict, rent of three tables.....	3 00
Also: Rent of typewriters and covers.....	18 00
Buffalo Brewing Co., 900 pounds ice.....	9 00
Tom Scott, sundries.....	5 00
Also: Electric shades and lamps.....	3 40
Also: Gas burners, labor, etc.....	4 00
Also: Repairing tanks, closets, etc.....	12 75
Also: Repairing basins, lamps, etc.....	18 60
F. R. Pulford, repairing locks, furnishing keys, etc.....	10 35
Also: Repairing locks, making keys, etc.....	7 50
Wyckoff, Seamans & Benedict, balance.....	3 75
Frank H. Wing, rubber stamps.....	3 50
Day & Joy, badges.....	1 00
H. S. Crocker & Co., cash box.....	6 00
John Breuner, chairs and cuspidors.....	11 50
Also: Decorating desk in mourning.....	22 50
Also: Sundries.....	41 05
The Bell Conservatory Co., boxing floral piece and extra charges.....	2 50
Total.....	\$325 65

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, Langford, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.
NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 191—An Act to authorize the purchase or condemnation of land for streets when less than the distance between two streets is required and when the improvement to be effected thereby is not properly chargeable on a particular district.

Also: Senate Bill No. 423—An Act providing for the organization of a League of California Municipalities.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 311—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Also: Senate Bill No. 410—An Act to amend an Act entitled "An Act to provide for furnishing assistants to the Coroner of each city, or city and county, having 100,000 or more inhabitants, and providing the mode in which such assistants shall be appointed and designated, and establishing the compensation and prescribing the duties of such assistants," approved March 23, 1893.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for the lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," approved March 27, 1897.

Also: Senate Bill No. 310—An Act to amend Section 5 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State; for the construction of water works, sewers, and all necessary public improvements, or for any purpose whatever," and to repeal an Act approved March 9, 1885, entitled "An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain water works"; also, to repeal an Act approved March 15, 1887, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 42—An Act to amend an Act entitled "An Act authorizing boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 45—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipalitv, and for the districting, government, and municipal control of annexed territory—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TAYLOR, Chairman.

Senate Bills Nos. 191, 423, 311, 410, 360, and 310 ordered on file for second reading.

Assembly Bills Nos. 42 and 45 ordered on special file of Assembly bills for second reading.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 100—An Act for the protection of horticulture, and to prevent the introduction into this State of insects or diseases or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

ROWELL, Chairman.

Senate Bill No. 100 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following report:

SENATE CHAMBER, SACRAMENTO, January 30, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election of Leon Dennery vs. R. Porter Ashe, for the seat from the Twenty-fourth Senatorial District, beg leave to report that in the hearing before your committee in Sacramento the following expenses have been incurred:

D. W. Long, shorthand reporter, attendance and transcript of testimony and proceedings	\$109 80
W. W. Curnow	30 00
Darby Knowles	25 00
Miss Mae Driscoll	25 00
Total	\$189 80

And we further recommend the adoption of the following resolution:

Resolved, That the State Controller be and is hereby directed to draw his warrant in favor of F. S. Stratton, chairman of the Committee on Elections, for the sum of \$189 80, payable out of the Contingent Fund of the Senate, to pay the expenses of said hearing before said committee, and the Treasurer is directed to pay the same.

STRATTON, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that the resolution be adopted.

FLINT, Chairman.

The roll was called, and the report of committee and resolution adopted by following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Doty, Dwyer, Flint, Hoey, Jones, Laird, Langford, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—27.
NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution, to wit:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$53 16, in payment for telegrams sent to Washington on January 5th, 7th, and 21st.

To Pacific Postal Telegraph-Cable Company:

Jan. 5—Telegram to V. E. Burton, Washington, D. C.	\$26 06
Jan. 7—Telegram to G. C. Perkins and S. M. White, Washington, D. C.	18 38
Jan. 21—Telegram to G. C. Perkins and S. G. Hilborn, Washington, D. C.	8 72

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The roll was called, and the report of committee and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, and Trout—27.
NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution, to wit:

Resolved, That the Sergeant-at-Arms of the Senate be authorized to procure a stamp suitable for the indelible marking of all Senate furniture, the expense of the same to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report of committee and resolution adopted.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 2, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 346—An Act to amend Section 578 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the directors and officers of savings and loan corporations.

Also: Senate Bill No. 375—An Act relative to and limiting the hours of service on railroads, and providing legal sanction.

Also: Senate Bill No. 376—An Act to amend Section 1705 of the Code of Civil Procedure, relating to the publication of probate notices and orders.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 327—An Act providing for liens upon horses and other animals for the cost of shoeing the same.

Also: Senate Bill No. 343—An Act creating a Board of State Charities, and prescribing its duties and powers.

Also: Senate Bill No. 366—An Act to amend Section 3164 of the Civil Code of the State of California, relating to the extinction of negotiable instruments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 354—An Act to amend Section 1 of "An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied," approved February 25, 1897, and to add two new sections thereto.

Also: Assembly Bill No. 68—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian.

Also: Assembly Bill No. 69—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 363—An Act to amend Section 2022 of the Political Code of California—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Military Affairs.

Also: Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Education and Public Morals.

Also: Senate Bill No. 93—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3748, 3758, and 3759 of said Political Code, and by repealing Section 3762 of said Code, all relating to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

GILLETTE, Chairman.

Senate Bills Nos. 346, 375, 376, 327, 343, 366, 354, and 93 ordered on file for second reading.

Assembly Bills Nos. 68 and 69 ordered on special file of Assembly bills for second reading.

Senate Bill No. 363 referred to Committee on Military Affairs.

Senate Bill No. 419 referred to Committee on Education and Public Morals.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court, and Superior Judges and officers connected with the Supreme Court.

Also: Senate Bill No. 127—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893.

Also: Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same.

Also: Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the

payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Also: Senate Bill No. 12—An Act to prevent the maintenance against the State or any officer thereof by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county or any officer thereof for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

Also: Senate Bill No. 151—An Act authorizing the Attorney-General to settle and dismiss a certain action entitled "The people of the State of California, ex rel. E. P. Colgan, State Controller, plaintiff, vs. J. N. E. Wilson, F. C. De Long, and J. D. Byrnes, defendants," wherein judgment was obtained against the defendants in the Superior Court of the County of Sacramento, State of California, which action is numbered 5990 in said court (which judgment as against the said J. N. E. Wilson was affirmed by the Supreme Court of the State of California), upon the payment to him for the use of the State of the sum of \$619 93, heretofore paid by said J. N. E. Wilson into the said Superior Court, and upon the further consideration of an assignment by said J. N. E. Wilson to the State of California of all his right, title, and interest in and to any and all of the moneys deposited by the said J. N. E. Wilson as Insurance Commissioner, in the Pacific Bank of San Francisco, and now remaining therein.

Also: Senate Bill No. 65—An Act to add a new section to the Political Code, to be known as Section No. 793, relating to notaries public.

Also: Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Also: Senate Bill No. 82—An Act authorizing the State Treasurer to furnish his office and the vault therein, and making an appropriation therefor.

Also: Senate Bill No. 32—An Act to amend Section 595 of the Civil Code, relating to powers of benevolent corporations.

JONES, Chairman.

Senate Bills Nos. 56, 127, 21, 54, 59, 12, 151, 65, 66, 82, and 32 ordered on file for third reading.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 2, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 319—An Act to authorize the insurance of all property of the University of California held for purposes of income against damages or loss.

Also: Senate Bill No. 119—An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum.

Also: Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated college.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Finance and Claims.

SMITH, Chairman.

Senate Bills No. 319, 119, and 325 referred to Committee on Finance and Claims.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 251—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Also: Senate Bill No. 131—An Act to amend Section 337 of the Civil Code of the State of California, relating to the publication of notice of the delinquent assessment upon stock of corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 132—An Act relating to certain contracts for the conditional sale, lease, or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof.

Also: Senate Bill No. 398—An Act to amend Section 5 of an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan; and the conduct of the business of such insurance," approved March 19, 1891.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 316—An Act to prescribe conditions upon which certain foreign

insurance corporations, associations, partnerships, or individuals may be permitted to transact casualty insurance business in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

SIMPSON, Chairman.

Senate Bills Nos. 251, 131, 132, 398, and 316 ordered on file for second reading.

REPORT OF SELECT COMMITTEE.

The following preamble and resolution were offered by Senators Dickinson, Davis, and Sims, and Assemblymen Belshaw, Glenn, and Kelsey, the joint committee appointed to draft suitable resolutions in memory of their late honored and esteemed colleague from the Eighth Senatorial District:

WHEREAS, By the death of the Hon. John Boggs the State has lost one of its earliest and foremost citizens, one whose integrity, uprightness, manhood, and many sterling public virtues and private graces and qualities brought reputation to himself and honor to the State; therefore, be it

Resolved by the Senate of the State of California, That the announcement of the death of the Hon. John Boggs, late State Senator of California, has been received by this body with profound sorrow and regret;

That by his death the State of California has lost a distinguished Senator, and a diligent, faithful citizen and public servant, whose unstained integrity, exalted intelligence, steadfast devotion and unswerving loyalty to her interests have made his name a household word and have earned for him a warm place in the hearts of all true Californians;

That the Senate deeply sympathizes with the bereaved family in the loss of a true and affectionate husband and a kind and indulgent father;

That the Secretary of the Senate be and he is directed to transmit to the family of the deceased a copy of these resolutions, duly attested.

By a unanimous vote, the resolution was adopted.

RESOLUTION.

Senator Laird offered the following resolution:

Resolved, That the Controller of State be and is hereby directed to draw his warrant in favor of Mr. J. Louis Martin, Sergeant-at-Arms of the Senate, for the sum of \$112 80, in payment for expenses incurred by the Senate committee appointed for the purpose of attending the funeral services and ceremonies of the late Hon. John Boggs, State Senator; and the Treasurer is directed to pay the same.

Resolution read.

SUSPENSION OF RULES.

On motion of Senator Laird, and by unanimous vote, the rules were suspended for the purpose of placing the above resolution on its adoption.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Smith, Taylor, Trout, and Wolfe—29.
NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Laird: Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Read first time, and referred to Committee on Roads and Highways.

By Senator Morehouse: Senate Bill No. 477—An Act to regulate the practice of osteopathy in the State of California, and to license osteo-

paths to practice in this State, and to punish persons violating the provisions of this Act.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Langford: Senate Bill No. 478—An Act to amend Section 348 of the Code of Civil Procedure of the State of California, relative to the limitation in which certain actions can be brought.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 479—An Act to pay the claim of Frank D. Cobb against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 480—An Act to amend Section 838 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to transfers of actions from the Justice's Court to the Superior Court.

Read first time, and referred to Committee on Judiciary.

By Senator Feeney: Senate Bill No. 481—An Act to provide for the purchase of new carpets, draperies, and furniture for the Senate and Assembly Chambers, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also (by request): Senate Bill No. 482—An Act authorizing the Secretary of State to bore a well, furnish and set stand pipes, tanks, filter, and lay pipes in the Capitol grounds.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Smith: Senate Bill No. 483—An Act making an appropriation to pay the claim of the Office Specialty Manufacturing Company for metallic furniture furnished the office of the Clerk of the Supreme Court at Sacramento.

Read first time, and referred to Committee on Finance and Claims.

By Senator Leavitt: Senate Bill No. 484—An Act to amend Section 3881 of the Political Code.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Hall: Senate Bill No. 485—An Act in relation to the selection of appraisers to determine the loss under fire insurance policies.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 486—An Act to add a new section to the Penal Code, to be known as Section 526, protecting insurance policy-holders, and defining their rights in cases of total loss.

Read first time, and referred to Committee on Corporations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 21—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same.

Bill having been read third time on a previous day.

The roll was called, and Senate Bill No. 21 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue,

Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor and Trout—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 72—An Act to promote the safety of employécs and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

Passed on file, but to retain place on file.

Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Bill having been read third time on a previous day.

The roll was called, and Senate Bill No. 54 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Smith, Stratton, and Wolfe—27.

NOES—Senators Cutter, Laird, Maggard, and Trout—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 19—An Act to amend an Act to regulate the width of tires of wagons to be used on the public highways of the State of California, approved March 20, 1897, by adding a new section limiting its operation.

Passed on file, but to retain place on file.

SECOND READING OF BILLS.

Senate Bill No. 62—An Act entitled "An Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States."

Passed on file, but to retain place on file.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend the Constitution of the State by adding to Article XIII thereof a section in relation to the exemption from taxation of churches and chapels and the real property on which they are situated, said new section to be inserted after Section 1 of said Article XIII, and to be designated as Section 1½ of said article.

Passed on file, but to retain place on file.

Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

Passed on file, but to retain place on file.

Senate Bill No. 50—An Act providing for the use of separate ballot-boxes for each political party at primary elections.

Passed on file, but to retain place on file.

Senate Bill No. 67—An Act adding a new section to the Political Code of this State, to be known and designated as Section 1118, providing for registration and the use of registers at primary elections.

Passed on file, but to retain place on file.

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Passed on file, but to retain place on file.

Senate Bill No. 214—An Act to compel employers to furnish medical and surgical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used.

Passed on file, but to retain place on file.

Senate Bill No. 178—An Act to add a new section to the Political Code of California, to be known as Section 635 thereof, relating to the form of fire insurance policies.

Passed on file, but to retain place on file.

Senate Bill No. 33—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the accrediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.

During the second reading of bill, the following amendments were offered:

By Senator Cutter:

Amend by striking out the period at the end of line 3, page 1, printed bill, and inserting in lieu thereof the following: A comma, and the words "to read as follows."

Amendment adopted.

By the committee:

Amend by striking out the words "shall have been, or," on lines 4 and 5, page 1, printed bill.

Also: Amend by striking out the words "have thereafter been," on line 7, page 1, printed bill, and inserting in lieu thereof the word "be."

Amendments adopted.

By Senator Bulla:

Amend by striking out of Section 1, lines 12 and 13, the words "together with legal interest thereon from the date of its payment."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 78—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Passed on file temporarily.

Senate Bill No. 20—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for nonuser of corporate powers.

Passed on file temporarily.

Senate Bill No. 176—An Act governing the transportation of the insane from the counties in which they have been committed, to the

asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums.

Passed on file temporarily.

Senate Bill No. 273—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations discontinued under the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.

During the second reading of bill, the following amendment was offered by Senator Bulla:

Amend by renumbering Sections 6 and 7, as Sections 5 and 6.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

At eleven o'clock and forty-five minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth District, in the chair.

Senate Bill No. 117—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Read second time, and ordered to engrossment.

Senate Bill No. 121—An Act to appropriate \$10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State parasites and predaceous insects.

Read second time, and ordered to engrossment.

Senate Bill No. 213—An Act for the relief of W. C. Guirey.

Passed on file, but to retain place on file.

Senate Bill No. 165—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "five thousand" on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the following words: "one thousand."

Amendment adopted.

Also: Amend by striking out the words "five thousand" on line 3, Section 2, page 1, and inserting in lieu thereof the following words: "one thousand."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 257—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by adding the words "or so much thereof as may be necessary," after the words "eleven thousand dollars," on line 3, Section 2, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out all of Section 4.

Amendment adopted.

Also: Amend by striking out the figure "5" in line 1, Section 5, page 2, and inserting in lieu thereof the figure "4."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "ten thousand two hundred and twenty-five dollars," on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the following words: "five thousand dollars."

Amendment adopted.

Also: By striking out the words "ten thousand two hundred and twenty-five dollars," on line 3, Section 2, page 1, and inserting in lieu thereof "five thousand dollars."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

WITHDRAWAL OF PROPOSED AMENDMENT.

Unanimous consent was granted the Committee on Judiciary to withdraw from their committee report on Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition—a proposed amendment inadvertently attached thereto.

Proposed amendment withdrawn.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem. (having resumed the chair) announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 3, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Clough, Cobb, Conrey, Cospier, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Grillin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—77.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Thursday, February 2, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, February 2, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Morehouse, and Stratton—3.
For R. N. Bulla—Senators Gillette, Simpson, and Taylor—3.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Brauhart, Chapman, Doty, Dwyer, Hall, Langford, La Rue, and Prisk—9.

Whole number of votes cast by Senators.....	33
W. H. L. Barnes received.....	3 votes.
R. N. Bulla received.....	3 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	9 votes

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Merserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	75
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	18 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	108
Necessary to a choice	55
W. H. L. Barnes received	10 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	12 votes.
D. M. Burns received	24 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	26 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	27 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes p. m., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock m. of Saturday, February 4, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, and Trout—25.

Quorum present.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Maggard, Nutt, Rowell, Shortridge, Smith, Stratton, Trout, and Wolfe—27.

Quorum present.

LEAVE OF ABSENCE.

At two o'clock and four minutes P. M., the Committee on Education and Public Morals was granted a leave of absence for one hour, on motion of Senator Boyce.

Senator Simpson was granted a leave of absence for the afternoon, on motion of Senator Bulla.

Senator Sims was granted a leave of absence for the afternoon, on motion of Senator La Rue.

Senator Stratton was granted a leave of absence for Saturday, February 4, 1899, on his own motion.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 154—An Act to amend Sections 2570 and 2571 of the Political Code of the State of California, relative to the Harbormaster of the Port of Eureka, and relative to the salaries of the members of the Board of Harbor Commissioners—have had the same under consideration, and respectfully report the same back without recommendation, it having been improperly referred to this committee.

Also: Senate Bill No. 34—An Act to establish a State Normal School in the City and County of San Francisco, State of California, and making an appropriation of \$150,000—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 175—An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be allowed to be withdrawn.

Also: Senate Bill No. 323—An Act to appropriate money to pay the Directors of the Deaf, Dumb, and Blind Asylum for the grading and curbing of Waring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy H. Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

Also: Senate Bill No. 174—An Act making an appropriation to pay the claim of Julius Herzog for injuries sustained while in the service of the National Guard of California.

Also: Senate Bill No. 206—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children, by the

erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 198—An Act authorizing the Secretary of State to appoint a clerk in addition to the number now allowed by law, and to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year.

Also: Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated college.

Also: Senate Bill No. 326—An Act to amend the title to an Act entitled "An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled 'An Act to appropriate money to reimburse the University of California, for money heretofore appropriated to the endowment fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893; to amend Section 4 of the same Act, and to appropriate the sum of \$16,747 50, now in the University Fund and unavailable.

Also: Senate Bill No. 252—An Act to repeal an Act entitled "An Act authorizing the Controller to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as the Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year"; to create the office of expert to the Controller, and prescribing his compensation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 420—An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same.

Also: Senate Bill No. 13—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 160—An Act to appropriate \$10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State parasites and predaceous insects—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and take its place on the file in place of Senate Bill No. 121, it being upon the same subject.

DICKINSON, Chairman.

Senate Bill No. 154 having been previously referred to the Committee on Commerce, Harbors, and Rivers, and reported back, was ordered on file for second reading.

Senate Bills Nos. 34, 323, 174, 206, 198, 325, 326, 252, and 420 ordered on file for second reading.

Assembly Bill No. 160 ordered on special file of Assembly bills for second reading.

WITHDRAWAL OF BILLS.

Senator Doty asked for and was granted unanimous consent to withdraw Senate Bill No. 175—An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor—it and Assembly Bill No. 136 being identical.

Senate Bill No. 175 withdrawn and ordered stricken from the file.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Substitute for Senate Bill No. 379—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 64½, relating to elections, by providing for the punishment of offenses at primary elections.

Also: Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Also: Senate Bill No. 94—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Also: Senate Bill No. 72—An Act to promote the safety of employes and passengers

upon street railroads, by compelling equipment of cars and dummies with fenders, and brakes, and to prescribe penalties.

Also: Substitute for Senate Bill No. 133—An Act adding two new sections to the Political Code of this State, to be numbered 1118 and 1119, concerning elections, providing for registration for primary elections.

Also: Senate Bill No. 83—An Act to amend Section 1188 of the Political Code, relating to the method by which candidates for public office may be nominated.

Also: Senate Bill No. 95—An Act to amend Section 1186 of the Political Code, relating to conventions.

JONES, Chairman.

Senate Bills Nos. 421, 94, 83, and 95, and Substitutes for Senate Bills Nos. 379 and 133, ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Bulla, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 301—An Act to amend an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, by amending Sections 1 and 2 thereof.

Also: Assembly Bill No. 302—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.

Also: Assembly Bill No. 361—An Act to add a new section to the Penal Code, to be numbered 180, relating to bringing into any State prison, or State reformatory, or within the grounds of such institution, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquors of any kind whatever, or firearms, weapons, or explosives of any kind, and providing a penalty therefor.

Also: Assembly Bill No. 32—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Also: Assembly Bill No. 97—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Assembly Bill No. 121—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots. Pilot Commissioners, and pilotage.

Also: Assembly Bill No. 130—An Act to authorize the transfer of \$40,000 from the General Fund to the State School Book Fund, and providing for its expenditure.

Also: Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments and to include propositions.

Also: Assembly Bill No. 177—An Act authorizing and directing District Attorneys to bring suits to abate public nuisances.

Also: Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Also: Assembly Bill No. 118—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant

Assembly Bill No. 301 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 302 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 361 read first time, and on motion of Senator Bulla ordered on special file of Assembly bills, without reference to committee, the bill and Senate Bill No. 317 being identical.

Assembly Bill No. 32 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 97 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 166 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 177 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 118 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 121 read first time, and referred to Committee on Commerce, Harbors, and Rivers.

Assembly Bill No. 139 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 249 read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

CONSIDERATION OF DAILY FILE—(RESUMED)—SECOND READING OF BILLS.

Senate Bill No. 182—An Act authorizing cities and towns of the sixth class to obtain by purchase, donation, or devise, lands for cemetery purposes; and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "the sixth class," on line 1, Section 1, printed bill' and inserting in lieu thereof the following words: "less than the first class."

Amendment adopted.

Also: Amend by inserting the words "and dispose of" on line 2, Section 1, printed bill, after word "devise."

Amendment adopted.

Also: Amend by striking out the word "lands" on line 3, Section 1, printed bill, and inserting in lieu thereof the following word: "property."

Amendment adopted.

Also: Amend by inserting after "trustees" on line 1, Section 2, printed bill, the following words: "or other governing body."

Amendment adopted.

Also: Amend by inserting after word "trustees" on line 1, Section 3, printed bill, the following words: "or other governing body."

Amendment adopted.

Also: Amend by striking out the words "city or town," on line 4, Section 3, printed bill, and inserting in lieu thereof the following word: "municipality."

Amendment adopted.

Also: Amend by striking out the words "city or town," on line 5, Section 3, printed bill, and inserting in lieu thereof the following word: "municipality."

Amendment adopted.

Also: Amend by striking out the words "cities and towns of the sixth class," on line 1, after the title, printed bill, and inserting in lieu thereof the following words: "municipalities of less than the first class."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 156—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11,

1872, relating to power of Judge to insert conditions in order appointing guardian.

Passed on file, but to retain place on file.

Senate Bill No. 89—An Act to amend Section 1086 of the Code of Civil Procedure, relating to the writ of mandate.

Senator Cutter asked for and was granted unanimous consent to withdraw the above bill.

Senate Bill No. 89 withdrawn and ordered stricken from the file.

Senate Bill No. 93—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3748, 3758, and 3759 of said Political Code, and by repealing Section 3762 of said Code—all relating to revenue and taxation.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the last word on line 13, page 1, printed bill, the following words: "at the time and place."

Amendment adopted.

Also: Amend by striking out Sections 2, 3, and 24 of the bill.

Amendment adopted.

Also: Amend by striking out the figure "5," on line 1, Section 5, of printed bill, and inserting in lieu thereof the following figure: "2."

Amendment adopted.

Also: Amend by changing the title so as to correspond with amendments, as follows: An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3748 of the Political Code, relating to revenue and taxation.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 129—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California.

Senator Dickinson asked for and was granted unanimous consent to withdraw the above bill.

Senate Bill No. 129 withdrawn and ordered stricken from the file.

Senate Bill No. 148—An Act to amend Section 657 of the Code of Civil Procedure of the State of California, relative to new trials.

Senator Braunhart asked for and was granted unanimous consent to withdraw the above bill.

Senate Bill No. 148 withdrawn, and ordered stricken from the file.

Senate Bill No. 169—An Act to provide for the appointment of State detectives; to establish their duties, and to provide for the payment of their salaries.

Passed on file, but to retain place on file.

Senate Bill No. 103—An Act to authorize agricultural societies to borrow money and secure the payment of the same.

Senator Morehouse asked for and was granted unanimous consent to withdraw the above bill.

Senate Bill No. 103 withdrawn and ordered stricken from the file.

Senate Bill No. 145—An Act to amend Section 737 of the Political Code of the State of California, relating to the annual salaries of the Judges of the Superior Court.

Senator Braunhart asked for and was granted unanimous consent to withdraw the above bill.

Senate Bill No. 145 withdrawn and ordered stricken from the file.

Senate Bill No. 108—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State.

Senator Dickinson asked for and was granted unanimous consent to withdraw the above bill.

Senate Bill No. 108 withdrawn and ordered stricken from the file.

Senate Bill No. 74—An Act to amend Section 456 of the Civil Code.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the following number: "456," before the first word on line 3, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Section four hundred and fifty-six be and is hereby amended to read as follows," on lines 1 and 2, page 1, printed bill, and inserting in lieu thereof the following: "Section 1. Section four hundred and fifty-six of the Civil Code is hereby amended to read as follows."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 80—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 3443.

During the second reading of bill, the following amendment was submitted:

Amend by striking out the word "section," on line 4, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 84—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duty of such board, and fixing a penalty for violation of the provisions of the Act.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting on line 22, page 2, printed bill, the following: "During the first year of its existence said board shall hold meetings and conduct examinations in the following named cities, viz.: Eureka, Redding, Fresno, Bakersfield, San Diego, and San José."

Amendment adopted.

Also: Amend by striking out all of Section 4 after the word "misdemeanor," on line 7, page 3, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 167—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the word "hereafter" after the word "decree," on line 21, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the words "now pending or hereafter commenced," on lines 21 and 22, page 1, printed bill.

Amendment adopted.

Also: Amend by inserting the word "hereafter" after the word "decree," on line 15, page 2, printed bill.

Amendment adopted.

Also: Amend by striking out the words "now pending or hereafter commenced," on lines 15 and 16, page 2, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 205—An Act to amend an Act of the Legislature entitled "An Act concerning agricultural societies," approved March 12, 1859, and to authorize agricultural societies formed under said Act to borrow money and secure the payment of the same, or to sell property to pay the existing debts of said societies.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the following: "Section 1 of an Act entitled 'An Act concerning agricultural societies, approved March 12, 1859, to authorize agricultural societies formed under said Act to borrow money and secure payment of same, or to sell property to pay existing debts of said societies,' is hereby amended to read as follows," just preceding line 1, page 1, printed bill.

Amendment adopted.

Also: Amend by inserting the following: "Section 2 of an Act entitled 'An Act concerning agricultural societies,' approved March 12, 1859, to authorize agricultural societies formed under said Act to borrow money and secure payment of same, or to sell property to pay existing debts of said societies, is hereby amended to read as follows," just preceding Section 2, page 2, printed bill.

Amendment lost.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 69—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "section," on line 6, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 146—An Act to amend Sections 1917, 1918, and 1920 of the Civil Code, relating to legal rate of interest.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "five" on line 5, page 1, printed bill, Section 1, and inserting in lieu thereof the word "six."

Amendment adopted.

Also: Amend by adding to Section 1918 the following: "any agreement violating any provision of this section shall be void as to the interest," on line 7, page 2, printed bill.

Amendment adopted

Senator Smith moved to amend as follows:

By striking out of Section 2, lines 6 and 7, the words: "but such interest must not be compounded in any manner or form."

The ayes and noes were demanded by Senators Bulla, Laird, and Bettman.

The roll was called.

Pending the announcement of the vote, Senator Bulla moved a call of the Senate.

The ayes and noes were demanded on the call of the Senate by Senators Bulla, Taylor, and Leavitt.

The roll was called, and the call of the Senate refused by the following vote:

AYES—Senators Bettman, Bulla, Chapman, Davis, Flint, Gillette, Laird, La Rue, Leavitt, Luchsinger, Nutt, Rowell, Smith, Taylor, and Trout—15.

NOES—Senators Ashe, Boyce, Braunnhart, Burnett, Cutter, Dickinson, Doty, Dwyer, Hall, Hoey, Jones, Langford, Morehouse, Prisk, Shortridge, Stratton, and Wolfe—17.

The President pro tem. then declared the amendment adopted by the following vote:

AYES—Senators Bettman, Bulla, Chapman, Curtin, Davis, Dickinson, Flint, Gillette, Jones, Laird, La Rue, Luchsinger, Nutt, Rowell, Shortridge, Smith, and Taylor—17.

NOES—Senators Ashe, Boyce, Braunnhart, Burnett, Cutter, Doty, Dwyer, Hall, Hoey, Langford, Leavitt, Morehouse, Prisk, Stratton, Trout, and Wolfe—16.

The following amendment was submitted by the committee:

Amend by striking out the word "five," on line 4, Section 3, page 2, printed bill, and inserting in lieu thereof the word "six."

On the adoption of the amendment, the roll call was demanded by Senators Braunnhart, Hall, and Wolfe.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Morehouse, Nutt, Rowell, Shortridge, Smith, Stratton, and Taylor—21.

NOES—Senators Braunnhart, Doty, Dwyer, Hall, La Rue, Prisk, Sims, and Trout—8.

Senator Bulla moved to amend as follows:

Amend by striking out of Sections 1, 2, and 3, line 3 of each section, the word "Section," before the figures "1917, 1918, and 1920."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

LEAVE OF ABSENCE.

Senator Maggard was granted leave of absence until Monday, on motion of Senator Cutter.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Passed on file, but to retain place on file.

Senate Bill No. 170—An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "disturbing the peace and other similar petty offenses," on lines 7 and 8, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the word "waved," on line 5, Section 1, page 1, printed bill, and inserting in lieu thereof the following word: "waived."

Amendment adopted.

Bill read second time.

Senator Davis moved that the bill be denied engrossment.

SPECIAL ORDER.

Senator Wolfe, with the consent of the mover of the previous motion, moved that the further consideration of the bill be made a special order for Saturday, February 4, 1899, immediately after reading the Journal.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Ashe: Senate Bill No. 487—An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653½, relating to the fees charged by employment agencies.

Read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 488—An Act to promote the reclamation, cultivation, and settlement of desert lands conditionally granted to the State of California by the Congress of the United States.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 489—An Act to locate and permanently establish the boundary line between the counties of Yolo and Solano.

Read first time, and referred to Committee on County Government and Township Organization.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Joint Resolution No. 9—Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or in lieu thereof, the permission of pasturage of sheep in said portion thereof for the year 1899.

Also: Senate Joint Resolution No. 10—Relative to construction and ownership of Nicaragua Canal.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 3d day of February, 1899, at two o'clock and fifty-five minutes P. M.

JONES, Chairman.

ADJOURNMENT.

At five o'clock P. M., on motion of Senator Wolfe, the Senate was declared adjourned until ten o'clock A. M. of Saturday, February 4, 1899.

IN SENATE.

SENATE CHAMBER,
Saturday, February 4, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Friday, February 3, 1899, was read.

The Journal of Wednesday, February 1, 1899, was approved.

SPECIAL ORDER.

Senate Bill No. 170—An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts.

The further consideration of Senate Bill No. 170 having been previously set for this hour, the President pro tem. stated the question before the Senate:

"Shall the bill be denied engrossment and third reading?"

The roll was called, with the following result:

AYES—Senators Bettman, Braunhart, Burnett, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Hall, Hoey, Laird, La Rue, Leavitt, Shortridge, and Wolfe—16.

NOES—Senators Boyce, Bulla, Chapman, Cutter, Flint, Gillette, Jones, Luchsinger, Nutt, Prisk, Simpson, Smith, Taylor, and Trout—14.

The President pro tem. thereupon announced the result, and declared the motion lost—the affirmative vote not being that of a majority of all the members of the Senate.

Senate Bill No. 170 ordered to engrossment.

PETITIONS.

The following petitions were presented and ordered printed in the Journal:

By Senator Cutter:

STATE OF CALIFORNIA, }
COUNTY OF YOLO. } ss.

Samuel Taylor, being first duly sworn, deposes and says that he is over the age of 21, and a resident of the County of Solano, State of California; that the within hereunto annexed petition contains the names of residents and taxpayers who are residing in the County of Solano; that each and every name is genuine.

SAMUEL TAYLOR.

Subscribed and sworn to before me this thirtieth day of January, 1899.

[SEAL]

W. H. GREGORY, Notary Public,
In and for the County of Yolo, State of California.

To the Senate and Assembly of the State of California, in Legislature assembled:

GENTLEMEN: We, your undersigned petitioners, most respectfully represent and aver the following:

That each and all of your petitioners are residents or taxpayers of the territory hereinafter described; that we, your petitioners, represent — per cent, as nearly as can be ascertained, of the residents or taxpayers in said described territory; that the said described territory includes about 35,000 acres of land, now assessed in Solano County for about \$1,100,000; that the present boundary line between the counties of Solano and Yolo, the same running along Putah Creek, the bed of which is constantly changing along its lower stretches, is unsatisfactory and undesirable, inasmuch as among other objections, local interests on the part of certain localities have used and are now using Putah Creek as a barrier to prevent egress or ingress from or to these localities for the purpose of trade or otherwise, especially during the rainy season.

This end is accomplished by the continual refusal of Solano County to provide her share of costs of bridges crossing the said creek, which have been prayed for by your petitioners many times for the past — years. The only two bridges below the town of Winters, where there is a combined railroad and wagon bridge, which now crosses Putah Creek, were built and are now maintained by Yolo County solely at her cost, Solano County having at all times refused and still refuses to do so, after being often petitioned to perform the work. These two bridges being at and below Davis, are totally inadequate for the use of your petitioners.

We submit that the value of our property is in this way reduced, as these things operate to make it less desirable, and we further submit that the treatment we have received is not in accordance with the broad principles which underlie the very foundation of our Government, and which are supposed to characterize a broader American business sagacity.

Following is a description of the territory in which your petitioners reside:

Beginning at a point in section 29, township 8 north, range 2 west, M. D. M., on a large boulder in Putah Creek, marking the corner between Yolo and Solano counties, and running thence down the said Putah Creek along its meanderings, and following the line dividing Yolo and Solano counties about 25 miles to a point where the eastern boundary of section 24, township 8 north, range 2 east, is intersected by the line of the said creek; thence south on the line dividing ranges 2 and 3 east, and on the line dividing Yolo and Solano counties in township 8 north, about 2½ miles to the southeast corner of section 36, township 8 north, range 2 east, M. D. M.; thence leaving the line between said Yolo and Solano counties, and running west along the township line between townships 7 and 8 north, a distance of about 10 miles to the southwest corner of the "McMahan Rancho," record of the subdivision of which is now on file in the office of the Recorder of Solano County; thence north and northerly along the western boundary of said subdivision to the south line of the Rancho Rio de los Pinos; thence south 65 degrees west about 7½ miles along the southern boundary of the said rancho to its southwest corner; thence north 25 degrees west along the western boundary of the said rancho, about 1½ miles, to a point where the same is intersected by the line dividing townships 7 and 8 north, in range 2 west, M. D. M.; thence west along this said township line about 4½ miles to the western boundary of Solano County; thence northerly along the said westerly boundary of said Solano County about 1½ miles to the point of beginning, containing about 35,000 acres of land.

We therefore pray your honorable body to so define and locate the line between Yolo and Solano counties in such a manner that this above described territory shall be set over to Yolo County, where the interests and convenience of your petitioners always have and always will naturally lie.

And your petitioners will every pray.

C. M. Cooper, H. Seaman, F. J. Bonney, Mrs. F. J. Bonney, W. H. Allison, R. E. Sheldon, M. A. H. Wolfskill, J. B. Wolfskill, Sallie Wolfskill, F. Wolfskill, R. Wolfskill, A. P. Pleasants, A. A. Robinson, R. B. Armstrong, Everett Foster, G. W. Foster, C. C. Ayer, C. M. Henning, F. B. Wire, J. G. Rowe, Jr., J. E. Wire, Ed. G. Walkins, Charley Becker, O. B. Wilber, Henry Hamel, F. M. Brown, Claus Eggert, M. D. Burnett, Jacob Snyder, G. Schmeiser, H. Swetzer, H. J. Kinchner, A. S. Bird, Mrs. Schlafski, Theodore Heinz, Jacob Greiner, Mrs. C. Greiner, James Campbell, M. V. Sparks, R. T. Sparks, W. S. Humphrey, J. L. Harlin, Geo. Schlomer, W. D. Snodgrass, Wm. Wolfskill, S. B. Fenley, E. J. Lamson, H. J. Arp, W. B. Sutliff, Sam Taylor, J. E. Sackett, R. E. Baker, F. N. Westner, F. W. Wills, B. R. Sackett, W. E. Thissell, F. McNeil, A. H. Anderson, Alexander Ritchie.

By Senator Simpson:

To the Senate and Assembly of the Legislature of California:

We, the undersigned residents of Long Beach, in the County of Los Angeles, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

The above petition was presented in the Methodist Episcopal Church at the morning service, January 15, 1899, and by an almost unanimous vote of about 175 people we were authorized to sign it on their behalf.

A. W. ADKINSON, Pastor.
JOHN G. PALMER, Secretary.

Also: A similar petition by twenty-two residents of Burbank, County of Los Angeles.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 4, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 227—An Act making an appropriation to pay the unpaid claims for bounty on coyote scalps—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute do pass.

Also: Senate Bill No. 300—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements by the managers of the Napa State Hospital, at Napa, and appropriating money therefor.

Also: Assembly Bill No. 243—An Act conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

Also: Assembly Bill No. 293—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Assembly Bill No. 287—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, the deputy clerks, and the stenographer of the Clerk of the Supreme Court."

Also: Assembly Bill No. 288—An Act entitled an Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DICKINSON, Chairman.

Senate Bills Nos. 227 and 300 ordered on file for second reading.

Assembly Bills Nos. 243, 293, 287, and 288 ordered on special file of Assembly bills for second reading.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 228—An Act appropriating \$80,000 to complete and equip the building now being constructed for the use of the State Normal School of San Diego, California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee, and be referred to the Committee on Finance and Claims.

SMITH, Chairman.

Senate Bill No. 228 referred to Committee on Finance and Claims.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 4, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 71—An Act to amend Sections 1770, 1771, 1772, 1773, 1774, and 1775 of the Political Code, relative to County Boards of Education.

Also: Senate Bill No. 87—An Act to amend Sections 1790 and 1791 of the Political Code, relating to City Boards of Examination.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute for the two bills do pass.

Also: Senate Bill No. 53—An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 262—An Act for the more effectual prevention of cruelty to animals.

Also: Senate Bill No. 106—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add two new sections to said Act, to be known as Sections 20 and 21.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 134—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund—have had the same under consideration, and respectfully report the same back, with a substitute therefor.

Also: Senate Bill No. 335—An Act providing for special funds for the payment of teachers' salaries in the school districts of this State, and defining the duties of School Trustees, Boards of Education, Auditors, and Treasurers in relation thereto.

Also: Senate Bill No. 36—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

Have had the same under consideration, and respectfully report the same back, with committee substitutes therefor, and recommend that the substitutes do pass.

BOYCE, Chairman.

Senate Bills Nos. 71, 87, 53, 262, 106, 134, 335, and 36 ordered on file for second reading.

ON PUBLIC PRINTING AND STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, February 4, 1899.

MR. PRESIDENT: Your Committee on Public Printing and State Library, to whom was referred Senate Bill No. 394—An Act to amend the Penal Code by adding a section thereto, to be numbered 623½, relating to the detention of books and other property belonging to any public or incorporated library, reading-room, museum, or other educational institution.

Also: Senate Bill No. 395—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 381—An Act regulating the use of the label of the International Typographical Union of North America upon printed matter furnished by the State of California—have had the same under consideration, and respectfully report the same back with a committee substitute therefor, and recommend that the substitute do pass.

TROUT, Chairman.

Senate Bills Nos. 394, 395, and 381 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 4, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolutions, to wit:

Resolved, That the State Printer be directed to print 150 extra copies of all bills and resolutions now in type or hereafter set up; that the same be delivered to the Press Mailing Clerks of the Senate, and by them mailed daily to such newspapers in the State as shall be indicated by the members of the Senate, not exceeding four in each Senatorial district.

Resolved, That the postage required in carrying out the provisions of the foregoing resolution be paid out of the fund for the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

Report of committee and resolutions adopted.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 12—Relative to improvement of San Pablo Bay.

Also: Passed Assembly Bill No. 5—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

Also: Assembly Bill No. 181—An Act to provide for vacating and closing up any park, plaza, public square, or other public reservation, not belonging to the United States or the State of California, and not situated within any municipality.

Also: Assembly Bill No. 182—An Act to amend an Act to allow unincorporated

towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners (approved March 4, 1881; Stats 1881, 26) relating to assessing and collecting said taxes.

Also: Assembly Bill No. 366—An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon public works of, or work done for, the State of California, or any political subdivision thereof.

Also: Assembly Bill No. 373—An Act to amend Sections 3571 and 3572 of the Political Code, relating to public lands and funds.

Also: Assembly Bill No. 44—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State.

Also: Assembly Bill No. 261—An Act to amend the Penal Code by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of secret societies.

Also: Adopted Assembly Joint Resolution No. 8—Relative to the completion of the jetty in San Diego Bay, etc.

Also: Assembly Joint Resolution No. 10—Relative to setting over and establishing granite posts to mark the true boundary line between the States of California and Nevada.

Also: Assembly Joint Resolution No. 13—Relative to creating rank of Admiral and conferring same on Rear Admiral George Dewey.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Joint Resolution No. 12 ordered to enrollment.

Assembly Bill No. 5 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 181 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 182 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 44 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 366 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 373 read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

Assembly Bill No. 261 read first time, and referred to Committee on Education and Public Morals.

Assembly Joint Resolution No. 8 referred to Committee on Commerce, Harbors, and Rivers.

Assembly Joint Resolution No. 10 referred to Committee on Federal Relations and Immigration.

Assembly Joint Resolution No. 13 referred to Committee on Federal Relations and Immigration.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees as follows:

By Senator Gillette: Senate Bill No. 490—An Act to amend Section 3805 of the Political Code, relating to the cancellation of certificates of sale of land sold to the State for delinquent State and county taxes.

Read first time, and referred to Committee on Judiciary.

By Senator Jones: Senate Bill No. 491—An Act to amend subdivisions 9 and 18 of Section 433 of the Political Code, relating to the duties of the Controller.

Read first time, and referred to Committee on Finance and Claims.

By Senator Shortridge: Senate Bill No. 492—An Act to amend the Civil Code of California, by adding two new sections thereto, numbered 3295 and 3296, relating to damages in action for libel.

Read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 493—An Act to provide for sweeping, cleaning, and sprinkling of streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities.

Read first time, and referred to Committee on Municipal Corporations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

The bill having been read a third time on a previous day, the roll was called on its passage.

CALL OF THE SENATE.

Pending the announcement of the result, Senator Braunhart moved a call of the Senate at eleven o'clock and twenty-seven minutes A. M.

On the call of the Senate, the ayes and noes were demanded by Senators Braunhart, Taylor, and La Rue.

The roll was called, and the motion carried by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Curtin, Davis, Doty, Dwyer, Gillette, Hoey, La Rue, Luchsinger, Prisk, Sims, Smith, Taylor, Trout, and Wolfe—17.

NOES—Senators Bettman, Bulla, Chapman, Cutter, Dickinson, Feeney, Flint, Jones, Laird, Leavitt, Morehouse, Nutt, Shortridge, and Simpson—14.

The President pro tem. ordered the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary of the Senate announced that the members absent without leave were Senators Ashe, Langford, and Rowell.

The Sergeant-at-Arms was ordered to bring to the bar of the Senate the absent Senators.

At eleven o'clock and thirty minutes A. M., Senator Shortridge moved that further proceedings under the call of the Senate be dispensed with.

Motion carried.

The Sergeant-at-Arms was directed to open the doors.

The doors were opened.

The President pro tem. thereupon declared that Senate Bill No. 72 was refused passage by the following vote:

AYES—Senators Boyce, Bulla, Burnett, Curtin, Davis, Doty, Dwyer, Gillette, Hall, Hoey, La Rue, Luchsinger, Prisk, Sims, Taylor, and Trout—16.

NOES—Senators Bettman, Braunhart, Chapman, Cutter, Dickinson, Feeney, Flint, Jones, Laird, Leavitt, Morehouse, Nutt, Shortridge, Simpson, and Smith—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Braunhart gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 72 was this day refused passage.

RESOLUTION—(OUT OF ORDER).

Senator Luchsinger offered the following resolution, and moved its adoption:

Resolved, That Senate Joint Resolution No. 12 be transmitted by telegraph to our representatives in Congress.

Resolution read and adopted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 19—An Act to amend an Act to regulate the width of tires of wagons to be used on the public highways of the State of California, approved March 20, 1897, by adding a new section limiting its operation.

Passed on file, but to retain place on file.

Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court, and Superior Judges and officers connected with the Supreme Court.

Read third time.

At eleven o'clock and forty minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senator Cutter moved that Senator Gillette be appointed a special committee of one to amend as follows:

Amend by striking out the word "five," in line 5 of the printed bill, and inserting the word "four."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges and officers connected with the Supreme Court—with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

On the adoption of the report of the special committee of one, and amendment, the ayes and noes were demanded by Senators Feeney, Davis, and Braunhart.

The roll was called, and the report and amendment adopted by the following vote:

AYES—Senators Bulla, Curtin, Cutter, Dickinson, Doty, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Nutt, Prisk, Simpson, Sims, and Trout—16.

NOES—Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Davis, Dwyer, Feeney, Morehouse, Shortridge, Smith, and Wolfe—12.

Bill ordered to print and reëngrossment.

Senate Bill No. 127—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893.

Read third time.

The roll was called, and Senate Bill No. 127 passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Dickinson, Dwyer, Feeney, Gillette, Jones, Laird, La Rue, Leavitt, Nutt, Prisk, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—23.

NOES—None.

During roll call, when the name of Senator Davis was reached, he asked to be excused from voting on passage of bill on account of being personally interested in its enactment.

Senator Davis excused from voting by unanimous consent.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk

and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Read third time.

Senator Nutt moved that Senator Dickinson be appointed a special committee of one to amend the bill as follows:

Amend by inserting after the word "State," being the fourth word on line 4 of Section 8, page 4, the following: "or from any portion of this State within a distance of thirty-five miles from the Pacific Ocean into or through any portion of this State at a greater distance than thirty-five miles from the Pacific Ocean."

Also: Amend by adding after the word "permit," line 24, page 5, the following: "excepting as otherwise provided for in this section."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendments adopted.

Senator Dickinson moved that the further consideration of Senate Bill No. 59 be postponed until the Senate should have returned from Joint Assembly.

Motion carried, and consideration postponed.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem. (having resumed the chair) announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 4, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to
30—s

order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—30.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Blood, Boynton, Brown, Burnett, Caminetti, Clough, Cobb, Cowan, Crowder, Crowley, Dale, De Lancie, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Henry, Hoey, Huber, Jilson, Johnson, Kelsey, Kenneally, Knights, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKee, Mead, Melick, Merrill, Meserve, Milice, Miller of Los Angeles, Pierce, Raw, Robinson, Sanford, Stewart, Eugene Sullivan, Valentine, Wade, White, Works, Wright, and Mr. Speaker—57.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Friday, February 3, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, February 3, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson and Morehouse—2.

For R. N. Bulla—Senators Gillette, Simpson, and Taylor—3.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Shortridge, and Wolfe—6.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Nutt, Smith, and Trout—6.

For Thomas R. Bard—Senator Flint—1.

For Irving M. Scott—Senator Davis—1.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, and Sims—8.

Whole number of votes cast by Senators.....	28
W. H. L. Barnes received.....	2 votes.
R. N. Bulla received.....	3 votes.
D. M. Burns received.....	6 votes.
U. S. Grant, Jr., received.....	6 votes.
Thomas R. Bard received.....	1 vote.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	8 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being

called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Kelsey, and Knights—5.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Boynton, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—6.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Henry, Jilson, Johnson, Kenneally, McKeen, Pierce, Eugene Sullivan, and Wright—12.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Blood, Cargill, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Milice, Raub, and Works—14.
For Irving M. Scott—Mr. Dunlap—1.
For Stephen M. White—Messrs. Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hoey, Mack, Mead, Meserve, Sanford, Stewart, and White—14.
For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	55
W. H. L. Barnes received.....	5 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	6 votes.
D. M. Burns received.....	12 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	14 votes.
Irving M. Scott received.....	1 vote.
Stephen M. White received.....	14 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	83
Necessary to a choice.....	42
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	18 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	20 votes.
Thomas R. Bard received.....	1 vote.
Irving M. Scott received.....	2 votes.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	22 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and twenty minutes P. M., Senator Bettman moved that the Joint Assembly do now adjourn until Monday, February 6, 1899.

Motion carried.

Whereupon the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Monday, February 6, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-seven minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—26.

Quorum present.

LEAVE OF ABSENCE.

At twelve o'clock and thirty minutes P. M., Senator Bettman was granted a leave of absence for the remainder of the day, on his own motion.

Senator Shortridge, at the same hour, was granted a leave of absence for the remainder of the day, on his own motion.

Senator Taylor was granted a leave of absence until noon of Tuesday, February 7, 1899, on his own motion.

Senator Dwyer was granted a leave of absence for Monday, February 6, 1899.

RECESS HOUR EXTENDED.

At twelve o'clock and twenty-nine minutes P. M., on motion of Senator Leavitt, the hour for declaring a recess this day was extended thirty minutes.

CONSIDERATION OF DAILY FILE—(RESUMED)—SECOND-READING FILE.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Senator Davis moved that Senator Smith be appointed a special committee of one to amend the bill as follows:

Amend Section 3, line 3, after the word "judgment," by inserting the words "not exceeding twenty."

Also: Amend bill by inserting after the word "required," in line 15 of the printed bill, the words "not to exceed five in number."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one and amendments adopted.

Senator Brauhart moved that Senator Doty be appointed a special committee of one to amend the bill as follows:

Amend Section 3, line 19, by striking out the word "eight" and inserting in lieu thereof the word "six."

Motion lost.

Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 4, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Concurrent Resolution No 4—Relative to a committee to draft resolutions in memory of the late Senator John Boggs—and report that the same has been correctly enrolled, and presented to the Governor on this the 4th day of February, 1899, at eleven o'clock and fifteen minutes A. M.

JONES, Chairman.

ADJOURNMENT.

At one o'clock P. M., on motion of Senator Prisk, the Senate was declared adjourned until eleven o'clock and thirty minutes A. M. of Monday, February 6, 1899.

IN SENATE.

SENATE CHAMBER,
Monday, February 6, 1899. }

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, February 4, 1899, was read.

The Journal of Thursday, February 2, 1899, was approved.

QUESTION OF PERSONAL PRIVILEGE.

Senator Bulla arose to a question of personal privilege, and sent to the desk a statement, with the request that the Secretary read the same.

The statement was read by the Secretary, as follows:

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: During the three sessions of which I have been a member of the Legislature of this State I have not heretofore risen to a question of personal privilege on account of a newspaper publication, not because I have not been ridiculed or criticised, but because such statements being simply the personal opinion of the writer or of the proprietor of the newspaper, I did not consider them of sufficient importance to demand notice or attention. I desire at this time, however, to call the attention of this body to a publication made in a San Francisco paper on last Saturday in which my character and the motives actuating me as a member of this body are called into question.

In that publication a statement was made that I was personally responsible for the defeat of a measure which the newspaper in question evidently considered desirable legislation.

Without discussing the character of the measure referred to, I believe it to be my duty to expose the falsity of the allegation that the defeat of the bill was due to my efforts. The record conclusively proves otherwise. The bill in question was one proposing to appropriate from the public moneys of this State \$30,000 to pay an accountant for expediting the books of the Southern Pacific Company, in furtherance of litigation then pending. The bill was introduced in both houses—in the Assembly as Assembly Bill No. 320, in the Senate as Senate Bill No. 329. The Assembly bill was at first defeated, then reconsidered, and finally passed. It was sent to the Senate and there substituted for Senate Bill No. 329. Believing that the amount of the proposed appropriation was greater than necessary, I made a motion, upon the second reading of the bill, reducing the appropriation to \$15,000. This amendment was carried by a vote of 23 to 8, after a full consideration and discussion of the amendment and the bill itself. Upon being placed upon its final passage, the bill was defeated by a vote of 22 to 12, I myself voting for the bill. It therefore becomes perfectly apparent that if the measure could not pass when carrying an appropriation of \$15,000, it would have had no possible opportunity of becoming a law without the amendment offered by myself.

I make this statement not only to refute the charges contained in the article referred to, but also to expose the attempt of the writer to mislead the public by falsifying the records of the Legislature.

ROBT. N. BULLA.

The statement was ordered printed in the Journal.

PETITIONS.

Senator Simpson presented the following petition, which was ordered printed in the Journal down to and including the sixth name:

To the Senate of the State of California:

The undersigned earnestly petition you to pass the Simpson bill, to prevent Sabbath desecration and to secure a weekly rest day.

MRS. A. RUSS HARVILLE.
MRS. F. W. MAGUIRE.
MRS. T. W. CLARKES.
MRS. C. F. MUELLER.
MRS. C. CURBINY.
ALFRED GODDARD.

And thirty-nine others of Richmond District, San Francisco.

Senator Trout presented the following petition, which was ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Santa Cruz, in the County of Santa Cruz, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

On Sunday evening, January 29, 1899, 525 persons voted in favor of this petition in the Congregational Church at Santa Cruz.

J. B. ORR, Pastor.
ERNEST F. OTTO, Clerk.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

By Senator Boyce: Senate Concurrent Resolution No. 5—Relative to setting apart an office in the Capitol building for the Lieutenant-Governor.

SUSPENSION OF RULES.

On motion of Senator Boyce, and by unanimous vote, the rules were suspended for the purpose of considering Senate Concurrent Resolution No. 5.

SENATE CONCURRENT RESOLUTION No. 5.

Relative to private office for Lieutenant-Governor.

WHEREAS, A room and apartment has heretofore been set apart for the use of the Lieutenant-Governor of this State during the sessions of the Legislature; and

WHEREAS, Said room has been used by other departments of the State during the interim of the sessions of the Legislature; and

WHEREAS, It is proper that the Lieutenant-Governor should have set apart for his use, at any and all times, an office in the State Capitol building; therefore, be it

Resolved by the Senate, the Assembly concurring, That the Secretary of State be and he is hereby requested to set apart for the Lieutenant-Governor a room in the State Capitol building, to be known as the office of the Lieutenant-Governor, said room to be reserved for the exclusive use of the Lieutenant-Governor, and to be under his control at all times.

Concurrent resolution read.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—30.

NOES—None.

• Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 17—Relative to the mineral lands within the railroad land grants of California, and the segregation and reservation of said mineral lands—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEAVITT, Chairman.

Senate Joint Resolution No. 17 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 428—An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 268—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 1745 and 1746 respectively, relating to the appointment of Public Administrators as guardians of the estates, or the persons and estates, of minors and insane persons.

Also: Senate Bill No. 429—An Act to amend Section 1870 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 392—An Act to amend Section 296 of the Civil Code of the State of California, relating to the filing of articles of incorporation with the County Clerk and Secretary of State, and the issuance of certificate, and the effect of such certificate.

Also: Senate Bill No. 404—An Act to amend Section 472, and to repeal Section 3857, both of the Political Code of California.

Also: Senate Bill No. 448—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Also: Senate Bill No. 438—An Act to amend Section 1585 of the Code of Civil Procedure of the State of California, relating to the administration and disposition of the assets of a deceased co-partner.

Also: Senate Bill No. 392—An Act to amend Section 487 of the Penal Code.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 307—An Act entitled "An Act amending Section 204 of the Code of Civil Procedure of the State of California, concerning the selecting and returning of jurors."

Also: Senate Bill No. 328—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of the proceeds," approved March 23, 1893, and an Act amendatory thereof, approved March 9, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that the author of both bills be permitted to withdraw the same.

GILLETTE, Chairman.

Senate Bills Nos. 428, 268, 429, 352, 404, 448, 438, and 392 ordered on file for second reading.

Senator Simpson asked for and was granted unanimous consent to withdraw Senate Bills Nos. 307 and 328.

Senate Bills Nos. 307 and 328 withdrawn and ordered stricken from the file.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 84—An Act to provide for a lunch hour for laborers in sawmills, shingle-mills, shakemills, and logging camps—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Assembly Bill No. 84 ordered on special file of Assembly bills for second reading.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 3, 1899.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 103—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for nonuser of corporate powers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 341—An Act providing for the creation of a State Board of Public Works for the State of California, and to define the duties of the same—have had the same under consideration, and respectfully report the same back, and recommend that the author be given permission to withdraw the same.

MAGGARD, Chairman.

Assembly Bill No. 103 ordered on special file of Assembly bills for second reading.

Senator Langford asked for and was granted unanimous consent to withdraw Senate Bill No. 341.

Senate Bill No. 341 withdrawn and ordered stricken from the file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTER, Chairman.

Senate Bill No. 476 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Sims: Senate Bill No. 494—An Act authorizing the Board of Supervisors of all counties in this State to refund the indebtedness of said county, to issue bonds therefor, and to provide for the payment of the same.

Read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Bill No. 495—An Act to amend Section 1395 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

By Senator Stratton: Senate Bill No. 496—An Act for the relief of Hugo Duveneck, executor of the last will of Sigmund M. Thannhauser, deceased, for moneys paid through error by him as a tax on certain collateral bequests provided for in said will.

Read first time, and referred to Committee on Finance and Claims.

By Senator Morehouse: Senate Bill No. 497—An Act to provide special quarters in county, city and county, jails, city jails, or police stations, for juvenile prisoners.

Read first time, and referred to Committee on State Prisons and Prison Buildings.

By Senator Simpson (by request): Senate Bill No. 498—An Act to amend Sections 2094 and 2097 of Chapter III, Title VI, of the Code of Civil Procedure, and also to add a new section thereto, to be known as Section 2098.

Read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 499—An Act entitled "An Act to prohibit the manufacture, or sale, or operation of any mechanical device or machine known as a slot machine, within the State of California."

Read first time, and referred to Committee on Education and Public Morals.

Also: Senate Bill No. 500—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Gillette (by request): Senate Bill No. 501—An Act authorizing the location and sale of mining claims upon public lands of the State.

Read first time, and referred to Committee on Mines, Drainage, and Débris.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 6, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentzer, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—77.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Saturday, February 4, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Saturday, February 4, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Gillette and Simpson—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Irving M. Scott—Senator Davis—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Hall, Langford, La Rue, Pace, Prisk, and Sims—11.

Whole number of votes cast by Senators	34
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	1 vote.
Thomas R. Bard received	2 votes.
Stephen M. White received	11 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muenther—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Illoy, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	75
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	17 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	19 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	18 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	108
Necessary to a choice.....	55
W. H. L. Barnes received.....	11 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	11 votes.
D. M. Burns received.....	24 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	26 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	29 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

RESOLUTION.

The following resolution was offered by Senator Shortridge, who moved its adoption:

Resolved, That the session of this Joint Assembly shall be held on each legislative day, beginning at the hour of twelve o'clock M., and ending at three o'clock P. M.

Resolution read.

Senator Davis moved that the foregoing resolution be laid on the table.

Motion carried, and resolution laid on the table.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Assemblyman Belshaw, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Tuesday, February 7, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, and Prisk—27.

Quorum present.

FILLING OF VACANCIES ON COMMITTEES.

The following communication from the President of the Senate was read:

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

The following Senators are hereby appointed to fill vacancies on the several committees caused by the death of the late Senator Boggs: Banks and Banking, Ashe; Forestry and Game, Pace; Finance, Doty; Labor and Capital, Hall; State Prisons, Hall.

JACOB H. NEFF,
President of the Senate.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Flint, Gillette, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—30.

Quorum present.

MOTION TO RECONSIDER POSTPONED.

Senator Brauhart moved that his motion to reconsider the vote whereby Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties—was on a previous day refused passage, be postponed until Tuesday, February 7, 1899.

On this motion, the ayes and noes were demanded by Senators Bettman, Morehouse, and Simpson.

The roll was called, and the motion to reconsider postponed by the following vote:

AYES—Senators Ashe, Brauhart, Bulla, Burnett, Dickinson, Doty, Flint, Gillette, Jones, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, and Trout—20.

NOES—Senators Bettman, Maggard, Morehouse, and Simpson—4.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Assembly Bill No. 361—An Act to add a new section to the Penal Code, to be numbered 180, relating to bringing into any State prison,

State reformatory, or within the grounds of such institutions, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquors of any kind whatever, or firearms, weapons, or explosives of any kind, and providing a penalty therefor.

Read second time, and ordered on file for third reading.

Assembly Joint Resolution No. 5—A resolution as to making upon the Island of Molokai a leper hospital for the care of all lepers in the United States.

Joint resolution read.

The following amendment was offered by Senator Brauhart:

Amend by striking out in the second preamble the words "this State," and inserting in lieu thereof the words "the United States."

Amendment lost.

The question being on the adoption of Assembly Joint Resolution No. 5.

The roll was called, and its adoption refused by the following vote:

AYES—Senators Curtin, Pace, Stratton, and Trout—4.

NOES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, and Smith—27.

The Secretary was instructed to inform the Assembly of the Senate's action on the above joint resolution.

Assembly Bill No. 42—An Act to amend an Act entitled "An Act authorizing boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Passed on file, but to retain place on file.

Assembly Bill No. 45—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly engrossed Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897.

Also: Senate Bill No. 49—An Act to amend Sections 1083, 1094, 2095, 1096, 1097, 1101, 1103, 1115, 1113, 1115, 1116, 1130, 1204, and 126, and to repeal Sections 1098, 1095, 1100, 1104, 1114, of the Political Code.

Also: Substitute for Senate Bills Nos. 58 and 194—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 152—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1899, authorizing such associations to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease.

Also: Senate Bill No. 177—An Act to add a new section to the Civil Code, to be known as Section 431 thereof, relating to the form of fire insurance policies.

Also: Senate Bill No. 46—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a Secretary, and to appropriate money therefor.

Also: Senate Bill No. 10—An Act to amend Sections 3, 4, 5, 6, 7, 8, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, as amended by an Act entitled "An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled 'An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands,'" approved April 15, 1880; approved March 19, 1889.

Also: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend the Constitution of the State by adding to Article XIII thereof a section in relation to the exemption from taxation of churches and chapels, and the real property on which they are situated, said new section to be inserted after Section 1 of said Article XIII, and to be designated as Section 1½ of said article.

Also: Senate Bill No. 232—An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V, of the Political Code, relating to the State Library.

Also: Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 257—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Also: Senate Bill No. 165—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 211—An Act making an appropriation to pay the claim of Thomas Hatch.

Also: Senate Bill No. 121—An Act to appropriate \$10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State parasites and predaceous insects.

Also: Senate Bill No. 117—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Also: Senate Bill No. 273—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.

Also: Senate Bill No. 182—An Act authorizing municipalities of less than the first class to obtain, by purchase, donation, or devise, lands for cemetery purposes; and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

Also: Senate Bill No. 93—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3748 of the Political Code, relating to revenue and taxation.

Also: Senate Bill No. 69—An Act to add a new section to the Penal Code to be designated as Section 354½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon, any cask, keg, bottle, vessel, siphon, can, or other package.

Also: Senate Bill No. 74—An Act to amend Section 456 of the Civil Code.

Also: Senate Bill No. 80—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 3443.

Also: Senate Bill No. 84—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

Also: Senate Bill No. 167—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Senate Bill No. 205—An Act to amend an Act of the Legislature entitled "An Act concerning agricultural societies," approved March 12, 1889, and to authorize agricultural societies formed under said Act to borrow money and secure the payment of the same, or to sell property to pay the existing debts of said societies.

Also: Senate Bill No. 146—An Act to amend Sections 1917, 1918, and 1920 of the Civil Code, relating to legal rate of interest.

Also: Senate Bill No. 170—An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts.

Also: Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court, and Superior Judges and officers connected with the Supreme Court.

Also: Senate Bill No. 33—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.

Also: Senate Bill No. 30—An Act adding fifteen new sections to the Political Code, to be numbered consecutively, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections.

JONES, Chairman.

Senate Bills Nos. 5, 49, 152, 177, 46, 10, 232, 118, 257, 165, 211, 121, 117, 273, 182, 93, 69, 74, 80, 84, 167, 205, 146, 170, 56, 33, and 30, and Substitute for Senate Bills Nos. 58 and 194, ordered on file for third reading.

Senate Constitutional Amendment No. 7 ordered on file.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 68—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian.

Read second time, and ordered on file for third reading.

The President pro tem. of the Senate read the following Associated Press dispatch, which was received with applause:

WASHINGTON, D. C., February 6, 1899.

Treaty of peace adopted in the United States Senate by a majority of three.

INVITATION TO SENATORS.

The following invitation was received, and read by the Secretary:

To the HON. GILLIS DOTY:

DEAR SIR: This evening, at the Clunie Theater, there will be a free entertainment to honor our local company of soldiers who have just returned from the war. This is likely to be a "war meeting," because of the resumption of hostilities. We invite you to attend and to make a few remarks. Please bring with you all the other legislators. Our time is limited, and no other invitation than this is out.

Respectfully,

FRANK MILLER, Chairman.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 69—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Read second time, and ordered on file for third reading.

Assembly Bill No. 160—An Act to appropriate \$10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries to collect and import into this State parasites and predaceous insects.

Read second time, and ordered on file for third reading.

Assembly Bill No. 287—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk, the deputy clerks, and stenographer of the Clerk of the Supreme Court.

Read second time, and ordered on file for third reading.

Assembly Bill No. 288—An Act entitled an Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court.

Read second time, and ordered on file for third reading.

Assembly Bill No. 243—An Act conferring power upon the governing

body of municipal corporations of the first class, to provide for the erection of a municipal hospital, and to levy a tax therefor.

Passed on file, but to retain place on file.

Assembly Bill No. 293—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

During the second reading of bill, the following committee amendments were submitted:

Amend by adding the words "or so much thereof as may be necessary" after the words "eleven thousand dollars," on line 4, Section 2, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out all of Section 4.

Amendment adopted.

Also: Amend by striking out the figure "5," on line 1, Section 5, page 2, printed bill, and inserting in lieu thereof the figure "4."

Amendment adopted.

Bill read second time, ordered to print and on file for third reading.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

By Senator Boyce: Senate Concurrent Resolution No. 6—Relative to the consent of the Legislature to the absence from the State of the Lieutenant-Governor of the State, Hon. Jacob H. Neff, for a period not to exceed six months.

SUSPENSION OF RULES.

On motion of Senator Boyce, and by unanimous vote, the rules were suspended for the purpose of considering Senate Concurrent Resolution No. 6.

SENATE CONCURRENT RESOLUTION NO. 6.

Relative to the consent of the Legislature to the absence from the State of the Lieutenant-Governor of the State, Hon. Jacob H. Neff, for a period not to exceed six months.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that the Lieutenant-Governor of the State of California, the Honorable Jacob H. Neff, may depart from the State of California at any time during the remainder of his official term, and remain absent for a period not to exceed six months from, and immediately succeeding, the time of his departure.

Concurrent resolution read.

The roll was called, and Senate Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hooy, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, and Trout—28.
NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court, and Superior Judges, and officers connected with the Supreme Court.

The bill having been read a third time on a previous day.

Senator Stratton moved that Senator Morehouse be appointed a special committee of one to amend as follows:

Amend by inserting in Senate Bill No. 56, Section 1, line 4 of the printed bill, after the words "San Francisco," the following: "are four thousand two hundred dollars."

The question being on the motion to appoint a special committee of one to amend the bill.

The ayes and noes were demanded by Senators Leavitt, Wolfe, and Trout.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Chapman, Curtin, Davis, Hoey, Morehouse, Shortridge, Smith, Stratton, and Wolfe—13.

NOES—Senators Bulla, Burnett, Cutter, Dickinson, Doty, Flint, Gillette, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Simpson, Sims, and Trout—21.

The question recurring on the passage of the bill.

The roll was called, and Senate Bill No. 56 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Joint Resolution No. 12—Relative to improvement of San Pablo Bay—and report that the same has been correctly enrolled, and presented the same to the Governor on this sixth day of February, 1899, at two o'clock and forty-five minutes P. M.

JONES, Chairman.

ON FORESTRY, FISH, AND GAME—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Forestry, Fish, and Game, to whom was referred Senate Bill No. 415—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries at Sisson and Price Creek—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 256—An Act to prevent the use of paranzella, or dragnet in the waters of this State.

Also: Senate Bill No. 338—An Act for the protection and propagation of shrimps. Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LUCHSINGER, Chairman.

Senate Bills Nos. 415, 256, and 338 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Ashe: Senate Bill No. 502—An Act to create a Police Court in and for the City and County of San Francisco, State of California.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 503—An Act to amend Section 2955 of the Civil Code, relating to mortgages of personal property.

Read first time, and referred to Committee on Finance and Claims.

By Senator Maggard: Senate Bill No. 504—An Act making an appro-

priation to pay expenses incurred at the State Forestry Station at Chico, California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Langford: Senate Bill No. 505—An Act to amend Sections 1 and 2 of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, relating to the classification of counties into agricultural districts.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until ten o'clock A. M. of Tuesday, February 7, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 7, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Monday, February 6, 1899, was read.

The Journal of Friday, February 3, 1899, was approved.

MOTION, RESOLUTIONS, AND NOTICES.

On motion of Senator Simpson, Senate Bill No. 291 was re-referred to Committee on Corporations.

Senator Luchsinger offered the following resolution, and moved its adoption:

Resolved, That 150 copies of the petition introduced by Senator Cutter, of Solano residents, asking for the permanent location of the boundary line between Solano and Yolo Counties, be printed.

Resolution read and adopted.

Senator Shortridge offered the following resolution:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant in favor of D. Johnston & Co. for the sum of \$38, payable out of the Contingent Fund of the Senate, for printing roll calls and other blanks for the Senate previous to

the opening of the State Printing Office, as shown by attached bill. The Treasurer is hereby directed to pay the said warrant.

To D. Johnston & Co., Dr.:

Jan. 3—500 roll calls.....	\$15 00
200 committee reports.....	4 00
100 messenger reports.....	3 00
50 calls of house.....	2 50
100 concurrent resolutions.....	3 00
200 oaths of office.....	4 00
50 urgency blanks.....	2 50
250 resolution blanks.....	4 00
Total	\$38 00

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 444—An Act in relation to municipal elections, where the same are held separate from general State elections and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote on proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 41—An Act to amend Section 1186 of the Political Code of the State of California, defining political conventions—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

Also: Senate Bill No. 221—An Act to amend Sections 18 and 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof."

Also: Senate Bill No. 344—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 1204, 1211, and 1260 thereof, relating to elections.

Have had the same under consideration, and respectfully report the same back without recommendation.

STRATTON, Chairman.

Senate Bills Nos. 444, 41, 221, and 344 ordered on file for second reading.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 253—An Act to provide for the purchase of additional lands for the Folsom State Prison, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance and Claims, and do pass.

BULLA, Chairman.

Senate Bill No. 253 referred to Committee on Finance and Claims.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 70—An Act to appropriate \$17,500 for the furnishing of the administration building, and two male wards of the Mendocino State Hospital; for the

purchase of an electric plant for lighting the hospital buildings and grounds, and the necessary machinery and appliances therefor, and to construct a building to contain the same; to purchase an ice plant and cold storage system; to make the necessary changes in attics to protect the hospital buildings against fire; to appropriate money therefor, and provide for the expenditure of the same.

Also: Senate Bill No. 208—An Act to provide additional accommodations for inmates at the California Home for the Care and Training of Feeble-Minded Children by the erection of cottages for epileptic, paralytic, and feeble-minded persons, to appropriate money therefor, and to authorize the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee, and be referred to Committee on Finance and Claims.

SMITH, Chairman.

Senate Bills Nos. 210, 70, and 208 referred to Committee on Finance and Claims.

ON COMMERCE, HARBORS, AND RIVERS.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Commerce, Harbors, and Rivers, to whom was referred Senate Bill No. 390—An Act to amend Section 2440 of the Political Code of the State of California, approved March 12, 1872, relating to the appointment of Pilot Commissioners for San Francisco, Mare Island, and Benicia.

Also: Assembly Bill No. 121—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots, Pilot Commissioners, and pilotage.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 42—An Act to amend Section 2460 of the Political Code of the State of California, relating to the pilots of San Francisco, Mare Island, Vallejo, and Benicia rendering a monthly account to the Board of Pilot Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

Also: Senate Bill No. 364—An Act to amend Section 3 of an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Roads and Highways.

Also: Senate Bill No. 22—An Act to create the harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the harbor of Oakland, to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties and jurisdiction, fixing their terms, salaries, and their bonds, and providing how vacancies shall be filled; providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collectors, and other employés, and providing for the manner of their appointment, and defining their duties and fixing their tenure of office; providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board or employés a misdemeanor, and providing a penalty of a fine not to exceed \$300, or imprisonment not exceeding one hundred days as a punishment therefor, and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing a punishment therefor of a fine of not less than \$100 and not more than \$500, or by imprisonment of not less than thirty nor more than ninety days and making it a misdemeanor to drive horses, or mules, or vehicles upon any wharf, pier, quay, landing, thoroughfare, faster than a walk, and providing a punishment of a fine of not more than \$30, or imprisonment of not more than ten days, and providing that the Police Court of the City of Oakland shall have jurisdiction of all such misdemeanors herein provided, and making it a misdemeanor for masters, owners, or consignees of vessels or railroad to refuse or to neglect to deliver to the wharfinger or other employé of the board a statement of the quantity of merchandise intended to be discharged, and making the punishment therefor a fine of not more than \$100, or imprisonment of not more than three months, or both; and making it a misdemeanor for any such person to discharge, or to allow to be discharged, from any such vessel or car any part of its cargo or load, or receive or allow to be received on such vessel or car any such part of its cargo or load, and providing a punishment of a fine not exceeding \$500, or imprisonment of not exceeding one hundred days, or by both such fine and imprisonment; and providing that the Attorney-General shall furnish advice to the board when required—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHORTRIDGE, Chairman.

Senate Bills Nos. 390, 42, and 22 ordered on file for second reading.

Assembly Bill No. 121 ordered on special file of Assembly bills for second reading.

Senate Bill No. 364 referred to Committee on Roads and Highways.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 248—An Act to amend Sections 3747, 3805, and 3817 of the Political Code, relating to revenue and taxation.

Also: Senate Bill No. 312—An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and the compensation of trustees.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 289—An Act to amend Sections 980 and 981 of the Code of Civil Procedure, relating to powers of Superior Courts in cases of appeals from Justices' Courts.

Also: Senate Bill No. 290—An Act to amend Sections 853, 854, 857, 896, and 924 of the Code of Civil Procedure, relating to practice in and trials of actions in Justices' Courts.

Also: Senate Bill No. 377—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be permitted to withdraw the same.

Also: Senate Bill No. 382—An Act to amend Section 197 of the Penal Code—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 149—An Act to amend Section 8 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California, approved March 5, 1880, and providing for an additional department to be known as Department No. 4, and the appointment of a suitable person to act as Judge of said Court," approved February 23, 1893, relative to stenographers—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

GILLETTE, Chairman.

Senate Bills Nos. 248, 312, 382, and Senate Bill No. 149 with accompanying committee substitute, ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Simpson asked for and was granted unanimous consent to withdraw Senate Bills Nos. 289 and 290.

Senate Bills Nos. 289 and 290 withdrawn, and ordered stricken from the file.

Senator Ashe asked for and was granted unanimous consent to withdraw Senate Bill No. 377.

Senate Bill No. 377 withdrawn, and ordered stricken from the file.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 209—An Act to provide for the erection and equipment of a commissary building at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, and be referred to the Committee on Finance and Claims.

SMITH, Chairman.

Senate Bills Nos. 207 and 209 referred to Committee on Finance and Claims.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 73—An Act for the relief of district agricultural associations, and appropriating money therefor—have had same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 271—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Also: Senate Bill No. 282—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Also: Senate Bill No. 283—An Act to appropriate money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Also: Senate Bill No. 284—An Act to appropriate money for the purchase of tools and books for the use of the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 2—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, it being the same as Senate Bill No. 13, heretofore favorably recommended.

Also: Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Judiciary.

Also: Senate Bill No. 115—An Act to appropriate money for the erection of a statue in Golden Gate Park to the memory of James Lick—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 212—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner, from June 1, 1873, to April 1, 1874, amounting to \$2,000, approved by the State Board of Examiners, and appropriating money to pay the same—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

DICKINSON, Chairman.

Senate Bills Nos. 73, 271, 282, 283, 284, 115, and Senate Bill No. 212 with accompanying substitute, ordered on file for second reading.

Assembly Bill No. 2 ordered on special file of Assembly bills for second reading.

Senate Bill No. 47 referred to Committee on Judiciary.

REPORT OF SPECIAL COMMITTEE.

The following report of a special committee was received and read:

SENATE CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: The Special Committee of Finance and Public Buildings, to whom was given the authority to inquire into the management and requirements of the Home of the Feeble-Minded, at Glen Ellen, beg leave to report as follows:

We found, on thorough inspection, that the institution is carried on in the most economical and efficient manner, the manager, Dr. Osborne, and his assistant, Mrs. Osborne, being conversant with every detail, and their charges are under perfect control.

The Home is very much overcrowded, and there is not a sign of extravagance in the management, nor is there any apparent lavishness among employees.

The requirements are such that the committee would unhesitatingly grant every demand, would the State finances permit, but as the demands of other similar institutions are so great and also pressing, we would recommend only such as the management deems absolutely necessary.

The completion of the main structure, the perfecting of the water supply, and the building of cottages, we think should be granted, and next in importance we would, were the finances obtainable, recommend the building and equipment of a power-house and perfecting of the heating system, which is now very unsatisfactory and expensive.

Respectfully submitted.

LUCHSINGER.
ROWELL.
LAIRD.
DWYER.
SIMS.
HALL.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No 6—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII by adding a new section thereto, to be known as Section 1½, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Constitutional Amendment No. 6 referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Bettman: Senate Bill No. 506—An Act to amend Section 290 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to articles of incorporation.

Read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 507—An Act to repeal an Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges, approved March 2, 1897.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 508—An Act to amend Section 553 of the Code of Civil Procedure.

Read first time, and referred to Committee on Judiciary.

By Senator Laird: Senate Bill No. 509—An Act to amend Section 339 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 510—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced.

Read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Passed on file temporarily—not back from engrossment.

Senate Bill No. 12—An Act to prevent the maintenance against the State, or any officer thereof, by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county or any officer thereof, for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

Read third time.

The question being on the passage of Senate Bill No. 12.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—28.
NOES—None.

During roll call, when the name of Senator Davis was reached, he asked to be excused from voting on passage of bill, on account of being personally interested in its enactment.

Senator Davis excused from voting by unanimous consent.

Title read and approved.

Bill ordered transmitted to Assembly.

Senate Bill No. 151—An Act authorizing the Attorney-General to settle and dismiss a certain action entitled "The People of the State of California ex rel. E. P. Colgan, State Controller, plaintiff, vs. J. N. E. Wilson, F. C. De Long, and J. D. Byrnes, defendants," wherein judgment was obtained against the defendants in the Superior Court of the County of Sacramento, State of California, which action is numbered 5,990 in said court (which judgment as against the said J. N. E. Wilson was affirmed by the Supreme Court of the State of California), upon the payment to him for the use of the State of the sum of \$649 93, heretofore paid by said J. N. E. Wilson into the said Superior Court, and upon the further consideration of an assignment by said J. N. E. Wilson to the State of California of all his right, title, and interest in and to any and all of the moneys deposited by the said J. N. E. Wilson as Insurance Commissioner, in the Pacific Bank of San Francisco, and now remaining therein.

Read third time.

The question being on the passage of Senate Bill No. 151.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—Senators Bulla and Laird—2.

Title read and approved.

Bill ordered transmitted to Assembly.

Senate Bill No. 65—An Act to add a new section to the Political Code, to be known as Section 793, relating to notaries public.

Read third time.

The question being on the passage of Senate Bill No. 65.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Read third time.

Senator Bulla moved that Senator Wolfe be appointed a special committee of one to amend the bill as follows:

Amend by striking out the whole of Section 2.

The question being upon the motion to appoint the special committee of one.

The ayes and noes were demanded by Senators Bulla, Wolfe, and Shortridge.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Doty, Jones, Laird, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, and Wolfe—15

NOES—Senators Bettman, Boyce, Chapman, Davis, Dickinson, Dwyer, Flint, Hoey, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Simpson, Smith, and Trout—16.

Senator Smith moved that Senator Davis be appointed a special committee of one to amend the bill as follows:

Amend by adding after "complaint," on line 14, the following: "If the plaintiff appears by attorney, the name of the attorney must be indorsed upon the summons."

Motion carried, and bill so referred.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure—with instructions to amend, respectfully reports the same back amended as per instructions.

DAVIS, Committee.

Report of special committee and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 82—An Act authorizing the State Treasurer to furnish his office, and the vault therein, and making an appropriation therefor. Read third time.

The question being on the passage of Senate Bill No. 82.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Davis, Doty, Dwyer, Flint, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senators La Rue, Rowell, and Sims—3.

Title read and approved.

Bill ordered transmitted to Assembly.

Senate Bill No. 32—An Act to amend Section 595 of the Civil Code, relative to powers of benevolent corporations.

The question being on the passage of Senate Bill No. 32.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Chapman, Curtin, Davis, Doty, Dwyer, Flint, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

MOTION TO RECONSIDER.

Senator Braunhart, in accordance with his notice made on February 4, 1899, moved that the vote whereby Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties—was on a previous day refused passage, be now reconsidered.

At eleven o'clock and forty-five minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

The question being on the motion to reconsider the vote whereby Senate Bill No. 72 was on a previous day refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Curtin, Davis, Doty, Dwyer, Gillette, Jones, Laird, La Rue, Luchsinger, Nutt, Pace, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senators Bettman, Bulla, Chapman, Cutter, Dickinson, Flint, Hoey, Leavitt, Maggard, Morehouse, Shortridge, and Simpson—12.

The question being on the passage of Senate Bill No. 72.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Curtin, Davis, Doty, Dwyer, Gillette, Jones, La Rue, Luchsinger, Nutt, Pace, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senators Bettman, Chapman, Cutter, Dickinson, Flint, Hoey, Laird, Leavitt, Maggard, Morehouse, Shortridge, and Simpson—12.

Title read and approved.

Bill ordered transmitted to Assembly.

INTRODUCTION OF SENATE CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

The following Senate Constitutional Amendment was introduced and read:

By Senator Stratton: Senate Constitutional Amendment No. 16—Relative to amending Section 6 of Article VI of the Constitution of the State of California, relating to the judiciary.

Referred to Committee on Judiciary.

RE-REFERENCE OF BILL.

On motion of Senator Davis, Senate Bill No. 166 was recalled from Committee on Judiciary and referred to Committee on Elections.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem., having resumed the chair, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 7, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate

the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brown, Burnett, Caminetti, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowly, Dale, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—78.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Monday, February 6, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Monday, February 6, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7

For Thomas R. Bard—Senators Flint and Rowell—2.

For Irving M. Scott—Senator Davis—1.

For Stephen M. White—Senator Pace—1.

For James F. Smith—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Hall, La Rue, Prisk, and Sims—10.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	4 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
Stephen M. White received.....	1 vote.
James F. Smith received.....	10 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knowland, Lardner, and Muentner—6.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For Irving M. Scott—Mr. Dunlap—1.

For James F. Smith—Messrs. Boone, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hooy, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	76
W. H. L. Barnes received.....	6 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	18 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	20 votes.
Irving M. Scott received.....	1 vote.
James F. Smith received.....	19 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	112
Necessary to a choice.....	57
W. H. L. Barnes received.....	10 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	13 votes.
D. M. Burns received.....	25 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	27 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	2 votes.
John Kosenfeld received.....	1 vote.
Stephen M. White received.....	1 vote.
James F. Smith received.....	29 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-seven minutes P. M., on motion of Assemblyman Belshaw, the President pro tem. of the Senate declared

the Joint Assembly adjourned until twelve o'clock M. of Wednesday, February 8, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—32.

Quorum present.

RESOLUTION—(OUT OF ORDER).

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That the State Printer be directed to print 1,000 copies of the report of the Committee on State Institutions appointed at the last session.

Resolution read and adopted.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—31.

Quorum present.

LEAVE OF ABSENCE.

At two o'clock and ten minutes P. M., the Committee on Education was granted leave of absence for one hour, on motion of Senator Boyce.

Senator Feeney was granted leave of absence until Wednesday, February 8, 1899, on motion of Senator Hall.

Senator Maggard was granted leave of absence for the afternoon, on his own motion.

Senator Simpson was granted leave of absence for the afternoon, on his own motion.

Senator Langford was granted leave of absence for the afternoon, on motion of Senator Davis.

At two o'clock and twenty minutes P. M., Senator Dwyer was granted leave of absence for one half hour, on his own motion.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Assembly Bill No. 361—An Act to add a new section to the Penal Code, to be numbered 180, relating to bringing into any State prison,

State reformatory, or within the grounds of such institutions, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquors of any kind whatever, or firearms, weapons, or explosives of any kind, and providing a penalty therefor.

Read third time.

The question being on the final passage of Assembly Bill No. 361.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Flint, Hall, Hoey, La Rue, Leavitt, Morehouse, Nutt, Pace, Shortridge, Simpson, Smith, Stratton, and Trout—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

Assembly Bill No. 42—An Act to amend an Act entitled “An Act authorizing boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations,” approved March 26, 1895.

Passed on file, but to retain place on file.

Assembly Bill No. 45—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Bill read third time.

The question being on the final passage of Assembly Bill No. 45.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Flint, Hall, Hoey, La Rue, Morehouse, Nutt, Pace, Shortridge, Simpson, Sims, Smith, and Stratton—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

Assembly Bill No. 68—An Act to amend Section 1755 of an Act entitled “An Act to establish a Code of Civil Procedure,” approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian.

Read third time.

The question being on the final passage of Assembly Bill No. 68.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Flint, Hall, Hoey, La Rue, Luchsinger, Morehouse, Nutt, Pace, Shortridge, Simpson, Sims, Smith, Stratton, and Taylor—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Stratton gave notice that he would, on next legislative day, move to reconsider the vote whereby Assembly Bill No. 45 was finally passed.

Assembly Bill No. 69—An Act to amend Section 1772 of an Act enti-

tled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Read third time.

The question being on the final passage of Assembly Bill No. 69.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Flint, Hall, Hoey, La Rue, Morehouse, Nutt, Pace, Shortridge, Simpson, Sims, Smith, Stratton, and Taylor—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

Assembly Bill No. 160—An Act to appropriate \$10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries to collect and import into this State parasites and predaceous insects.

Read third time.

The question being on the final passage of Assembly Bill No. 160.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator La Rue moved a call of the Senate.

So ordered.

The Secretary announced that Senators Braunhart, Cutter, Gillette, Jones, Laird, Luchsinger, Prisk, Trout, and Wolfe were absentees without leave of absence.

The President pro tem. directed the Sergeant-at-Arms to forthwith close the doors.

Senator Stratton moved that further proceedings under call of the Senate be dispensed with.

So ordered.

The Sergeant-at-Arms was directed to open the doors.

The President pro tem. then declared Assembly Bill No. 160 passed by the following vote:

AYES—Senators Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Hall, Hoey, La Rue, Luchsinger, Morehouse, Nutt, Pace, Shortridge, Simpson, Smith, Stratton, and Taylor—22.

NOES—Senator Sims—1.

Title read and approved.

Assembly Bill No. 287—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk, the deputy clerks, and stenographer of the Clerk of the Supreme Court.

Read third time.

The question being on the final passage of Assembly Bill No. 287.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Hall, Hoey, Morehouse, Nutt, Pace, Shortridge, and Smith—16.

NOES—Senators Burnett, Cutter, Davis, Dickinson, Jones, La Rue, Luchsinger, Prisk, Stratton, Taylor, and Trout—11.

NOTICE OF MOTION TO RECONSIDER.

Senator Dickinson gave notice that he would, on next legislative

day, move to reconsider the vote whereby Assembly Bill No. 287 was refused final passage.

Assembly Bill No. 288—An Act entitled an Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court.

Passed on file, but to retain place on file.

Assembly Bill No. 243—An Act conferring power upon the governing body of municipal corporations of the first class, to provide for the erection of a municipal hospital, and to levy a tax therefor.

Passed on file, but to retain place on file.

Assembly Bill No. 293—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Passed on file, but to retain place on file.

SECOND READING OF BILLS.

Assembly Bill No. 84—An Act to provide for a lunch hour for laborers in sawmills, shingle-mills, shakemills, and logging-camps.

Read second time, and ordered on file for third reading.

Assembly Bill No. 103—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts and protection districts for nonuser of corporate powers.

During the second reading of bill, the following committee amendments were submitted:

Amend by inserting the word "may" before the word "be," on line 6, printed bill.

Amendment adopted.

Also: Amend by striking out the words "and the same are hereby," on line 7, printed bill.

Amendment adopted.

Also: Amend by striking out the period on line 7, page 1, printed bill, and insert in lieu thereof the following: "by the judgment of a court of competent jurisdiction, on proper proceedings had therefor, the action on proceeding may be brought against said district by any persons owning lands therein. The summons shall be served upon a majority of the last elected and acting Trustees of the district, if living; if not living, then it may be served generally by publication."

Amendment adopted.

Also: Amend by inserting a new section between Sections 1 and 2, to be numbered 2, as follows:

"All Acts and parts of Acts in conflict with this Act are hereby repealed."

Amendment adopted.

Also: Amend by changing the figure "2," at the beginning of Section 2, to the figure "3."

Amendment adopted.

Bill read second time, ordered to print and third reading.

REPORT OF COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Senate Bill

No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

JONES, Chairman.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 125—An Act to increase the membership of the Auditing Board to the Commissioner of Public Works—have had the same under consideration, and respectfully report the same back, as being improperly before the committee, it asking for no appropriation.

DICKINSON, Chairman.

Senate Bill No. 125 ordered on file for second reading.

MOTIONS.

Senator Stratton moved that Senate Bill No. 30 be taken from its place on file, and placed just to precede Senate Bill No. 133.

There being no objection, it was so ordered.

Senator Dickinson moved that the second-reading file of Senate bills be taken up for consideration.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 62—An Act entitled "An Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which, under the laws of the United States, cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States."

Passed on file, but to retain place on file.

Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

During the second reading of bill, the following committee amendments were submitted:

Amend on page 2 of printed bill by inserting just before the words "Sec. 3." the following: "Sec. 3 of said Act is hereby amended to read as follows."

Amendment adopted.

Also: Amend on page 2 of printed bill by inserting just before the words "Sec. 2." the following: "Sec. 2 of said Act is hereby amended to read as follows."

Amendment adopted.

Also: Amend on page 2 of printed bill by inserting in parentheses after the word "designated" the following: "(or the Secretary of State)."

Amendment adopted.

Also: Amend on line 18, page 1, printed bill, by inserting after the word "designated" the following: "or in event that no such person is so designated then on the Secretary of State."

Amendment adopted.

Also: Amend on line 10 and part of 11, page 1, printed bill, by striking out the words

"the county in which the principal place of business of said corporation in this State is," and inserting in lieu thereof, the following: "this State."

Amendment adopted.

On motion of Senator Morehouse, the bill was passed temporarily on file.

Senate Bill No. 50—An Act providing for the use of separate ballot-boxes for each political party at primary elections.

Passed on file, but to retain place on file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Stratton asked for and was granted unanimous consent to withdraw Senate Bill No. 67—An Act adding a new section to the Political Code of this State, to be known and designated as Section 1118, providing for registration and the use of registers at primary elections—and substitute therefor Senate Bill No. 251.

Ordered read second time.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 251—An Act to provide for the incorporation of mutual fire insurance companies and define their powers and duties.

During the second reading of bill, Senator Stratton offered the following amendments:

Amend by striking out of Section 3, lines 4 to 15, of the printed bill, the words "or a note with sufficient sureties, indorsers, or security, made payable on demand, of which not less than twenty-five per cent shall be paid in cash, in advance, by each applicant, on his respective notes, and their notes, founded on actual and bona fide applications for insurance, shall have been received for the remainder. No one of these notes as aforesaid shall be given for the same policy, nor shall any note be represented as assets, unless a policy be issued upon the same; *provided, however,* that any person insuring in a company formed under this Act may pay his premium in cash, in lieu of a promissory note, and the company issue to him a paid-up policy."

Amendment adopted.

Also: Amend by striking out of Section 4, line 1, of the printed bill, the words "made upon the premium note of the insured."

Amendment adopted.

Also: Amend by striking out of Section 5, line 1, printed bill, the words "and premium notes."

Amendment adopted.

Also: Amend by striking out of Section 5, line 3, printed bill, the words "shall be construed the same, which."

Amendment adopted.

Also: Amend by striking out of Section 7, line 8, printed bill, the words "premium notes and."

Amendment adopted.

Also: Amend by striking out of Section 9, lines 9 and 10, printed bill, the words "on his, her, or their premium notes."

Amendment adopted.

Also: Amend by striking out of Section 10, line 18, printed bill, the words "or deposit notes."

Amendment adopted.

Also: Amend by striking out of Section 11, lines 16 and 17, printed bill, the words "or shall cause the worthless or doubtful notes to be made good."

Amendment adopted.

Also: Amend by striking out of Section 11, line 8, printed bill, the words "or that any of the notes have been or have become worthless or of doubtful value."

Amendment adopted.

Bill read second time, ordered to print and reëngrossment.

Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

The bill, having been temporarily passed during second reading, on motion of Senator Morehouse was again taken up for consideration.

During the second reading of bill, Senator Morehouse offered the following amendment:

Amend by adding the words "*provided*, that the provisions of this Act shall not apply to corporations which have heretofore filed the designation of a person in this State, upon whom service can be made, as now provided by law," on line 5, Section 3, page 2, printed bill.

Amendment lost.

Senator Curtin offered the following amendment:

Amend by adding after the word "created," on line 7, page 1, printed bill, the following: "by the laws of any other state or foreign country"

Amendment adopted.

Bill ordered to print and reëngrossment.

RE-REFERENCE OF BILL.

On motion of Senator Wolfe, Assembly Bill No. 250 was recalled from Committee on Judiciary and referred to Committee on Banks and Banking.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 62—An Act entitled "An Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sales of articles manufactured or produced in this State, which under the laws of the United States cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States"—and substitute Senate Bill No. 325 therefor.

Ordered read second time.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges.

Read second time, and ordered to engrossment.

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Passed on file, but to retain place on file.

Senate Bill No. 214—An Act to compel employers to furnish medical and surgical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used.

Read second time, and ordered to engrossment.

Senate Bill No. 178—An Act to add a new section to the Political Code of California, to be known as Section 635 thereof, relating to the form of fire insurance policies.

Read second time, and ordered to engrossment.

Senate Bill No. 78—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Passed on file, but to retain place on file.

Senate Bill No. 20—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for nonuser of corporate powers.

Passed on file, but to retain place on file.

Senate Bill No. 176—An Act governing the transportation of the insane from the counties in which they have been committed, to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums.

During the second reading of bill, the following committee amendments were submitted:

Insert the following in line 3, Section — of Senate Bill No. 176, after the word "he.": "may authorize the relatives or friends of the person committed to take charge of and convey the insane person to the asylum designated free of cost to the county or State."

Amendment lost.

Also: Insert in line 2 of Section 2, the following after the word "asylum": "except as otherwise provided in Section 1 of this Act."

Amendment lost.

Also: Amend by striking out all of the words in Section 3, making Section 4 Section 3, and Section 5 Section 4.

Amendment lost.

Bill read second time.

Senator Cutter moved that bill be denied engrossment and third reading.

The question being on the motion to deny Senate Bill No. 176 engrossment and third reading.

The ayes and noes were demanded by Senators Braunhart, Cutter, and Dickinson.

The roll was called, and the motion carried by the following vote:

AYES—Senators Ashe, Boyce, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Dwyer, Feeney, Flint, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—25.

NOES—Senators Braunhart, Bulla, Doty, La Rue, Pace, Rowell, and Stratton—7.

Senate Bill No. 176 denied engrossment and third reading.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was offered by Senator Cutter, who moved its adoption:

Resolved, That the bookkeeper to the Sergeant-at-Arms of the Senate be and he is hereby directed to strike from the payroll of Senate attachés the name of John Jones as committee clerk, and insert in lieu thereof the name of George E. Ross, and to notify the Controller of said change.

Resolution read and adopted.

Senator Smith offered the following resolution, and moved its adoption:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to supply the Press Mailing Clerks with \$20 worth of postage stamps, and that the same be paid for out of the fund for the contingent expenses of the Senate, and that the Controller is hereby directed to draw his warrant for said amount.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, constitutional amendment, and joint resolution were introduced:

By Senator Wolfe: Senate Bill No. 511—An Act to regulate telephone charges in the State of California, and to empower certain State officers to revise and regulate the same.

Read first time, and referred to Committee on Corporations.

By Senator Boyce (by request): Senate Bill No. 512—An Act to provide for the government of the State Normal Schools in this State.

Read first time, and referred to Committee on Education and Public Morals.

Also (by request): Senate Bill No. 513—An Act to amend Sections 1503, 1563, 1770, 1771, 1772, 1775, and 1858 of the Political Code, and to add a new section thereto, to be known as Section 1523, relating to public schools.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Hall: Senate Bill No. 514—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Bulla: Senate Constitutional Amendment No. 17—Relative to amending Section 1 of Article IV of the Constitution of the State of California, relating to legislative power.

Referred to Committee on Judiciary.

By Senator Curtin: Senate Joint Resolution No. 18—Relative to Yosemite National Park.

Joint resolution read, and referred to Committee on Federal Relations and Immigration.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COMMERCE, HARBORS, AND RIVERS.

SENATE CHAMBER, SACRAMENTO, February 6, 1899.

MR. PRESIDENT: Your Committee on Commerce, Harbors, and Rivers, to whom was referred Senate Bill No. 64—An Act to amend Sections 2579, 2588, 2589, 2590, 2591, and 2605

of an Act to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as Sections 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2605, 2606, 2607, and 2608, all relating to the establishing of a Board of State Harbor Commissioners for the Bay of San Diego, approved March 18, 1889, relating to the powers and duties of said Board of State Harbor Commissioners for the Bay of San Diego—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SHORTRIDGE, Chairman.

Senate Bill No. 64 ordered on file for second reading.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 255—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Also: Senate Bill No. 88—An Act for the suppression of bucket-shops and gambling in stocks, bonds, petroleum, cotton, grain, provisions, and other produce.

Also: Senate Bill No. 464—An Act relating to permissive physical examinations by Boards of School Trustees and City Boards of Education, and providing for a Bureau of Child Study.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BOYCE, Chairman.

Senate Bill Nos. 255, 88, and 464 ordered on file for second reading.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Senator Bulla, the Senate was declared adjourned until ten o'clock A. M. of Wednesday, February 8, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 8, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF JOURNAL.

The Journal of Tuesday, February 7, 1899, was read.

LEAVE OF ABSENCE.

Senator Feeney was granted leave of absence for the day, on motion of Senator Hall.

COMMUNICATION.

The following communication was received and read:

SAN FRANCISCO, February 6, 1899.

To the Members of the California State Senate:

GENTLEMEN: I wish in behalf of the family to express our gratitude to you for the beautiful floral tribute sent to the funeral of my father, Senator Boggs. We also deeply appreciate the resolutions of respect to his memory and the tributes paid to him upon the Senate floor.

Very sincerely,

FRANK S. BOGGS.

PRESENTATION OF PETITIONS.

Senator Stratton presented the following petition, which was read and ordered printed in the Journal:

HEADQUARTERS DEPARTMENT CALIFORNIA AND NEVADA, G. A. R., }
CITY HALL, SAN FRANCISCO, February 6, 1899. }

To the Honorable Members of the Senate and Assembly of the State of California, Greeting.

At a regular meeting of Admiral David D. Porter Post, No. 169, Department of California and Nevada, Grand Army of the Republic, held on this 3d day of February, 1899, the following resolutions were unanimously adopted:

Resolved, That Admiral David D. Porter Post, No. 169, G. A. R., located in Oakland, Alameda County, California, respectfully petition your honorable body to use your best efforts to cause the passage of a bill appropriating the sum of \$15,000 for the erection of a monument over the remains of that sterling soldier and statesman, Colonel E. D. Baker; said monument to be erected at Golden Gate Park, San Francisco, Cal., or at some other suitable location, and your petitioners would ever pray.

S. P. BABCOCK, Post Commander.

Attest: F. W. CUSHING, Adjutant,

Approved: SOLOMON CAHEN, Department Commander.

Senator Simpson presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

GENTLEMEN: We, the undersigned, residents of Colton, in the County of San Bernardino, California, respectfully ask your honorable body to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

A. J. BURTON.
BERTHA GREENLEAF.
ALLIE GRAHAM.
G. W. FRAZER.
E. S. COHEN.
MRS. W. HAY.
JOHN MARTIN.
And two thousand others.

COMMITTEE VACANCY FILLED.

There being a vacancy on the Committee on Commerce, Harbors, and Rivers, caused by the death of Senator Boggs, the President of the Senate appointed Senator Curtin a member of such committee.

MOTIONS, RESOLUTIONS, AND NOTICES.

Senator Cutter offered the following resolutions:

WHEREAS, The Controller declines to draw his warrants, as directed by a resolution adopted February 2, 1899, providing for the payment of persons therein named for labor and services performed up to and including January 31, 1899, for the reason that the same was adopted by less than a four-fifths vote of the Senate; therefore, be it

Resolved, That said resolution, adopted February 2, 1899, be and the same is hereby rescinded.

Resolution adopted by unanimous vote.

Also:

Resolved, That the several sums set opposite the following named persons be and the same are hereby appropriated out of the Contingent Fund of the Senate, for the purpose of paying for labor performed and services rendered by the different named persons mentioned herein, and the Controller of State is authorized to draw his warrant for the several amounts, and the Treasurer directed to pay the same:

	From.	To.	Days.	Per Day.	Amount.
G. McCall, Assistant Sergeant-at-Arms	Jan. 26	Jan. 30	5	\$5 00	\$25 00
Hiram Clock, Porter	Jan. 26	Jan. 30	5	3 00	15 00
Steve Pruitt, Porter	Jan. 26	Jan. 31	6	3 00	18 00
A. Noble, Watchman	Jan. 26	Jan. 30	5	3 00	15 00
C. S. McMullin, Assistant Minute Clerk	Jan. 26	Jan. 31	6	6 00	36 00
E. Cowen, Porter	Jan. 26	Jan. 31	6	3 00	18 00
J. B. Harris, Page	Jan. 2	Jan. 9	8	2 50	20 00
T. W. Measure, Electrician	Jan. 26	Jan. 31	6	4 00	24 00
F. M. Mott, Stenographer	Jan. 22	Jan. 31	10	5 00	50 00
William Rogers, Cloak-room Clerk	Jan. 26	Jan. 30	5	4 00	20 00
G. E. Carter, Porter	Jan. 24	Jan. 31	8	3 00	24 00
F. H. Lombard, Stenographer	Jan. 13	Jan. 30	18	5 00	90 00
J. P. Tryce, Bill Clerk	Jan. 26	Jan. 30	5	4 00	20 00
G. E. Williams, Mailing Clerk	Jan. 19	Jan. 30	12	4 00	48 00
George Hatton, Clerk	Jan. 26	Jan. 30	5	4 00	20 00
M. Driscoll, Clerk	Jan. 26	Jan. 30	5	4 00	20 00
Reed Baxter, Page	Jan. 26	Jan. 30	5	2 50	12 50
J. M. Terrill, Gatekeeper	Jan. 26	Jan. 30	5	3 00	15 00
Frank McQuaid, Clerk Finance Committee	Jan. 26	Jan. 30	5	6 00	30 00
Thomas Rogers, Mailing Clerk	Jan. 25	Jan. 30	6	4 00	24 00
Ben Gray, Bill Filer	Jan. 25	Jan. 30	6	4 00	24 00
C. S. McMullin, Asst. Minute Clerk (add.)	Feb. 1	Feb. 4	4	6 00	24 00

SUSPENSION OF RULES.

On motion of Senator Cutter, and by unanimous vote, the rules were suspended for the purpose of placing the above resolution on its adoption.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 6—Relative to the consent of the Legislature to the absence from the State of the Lieutenant-Governor of the State, Hon. Jacob H. Neff, for a period not to exceed six months.

Also: Adopted Senate Joint Resolution No. 8—Relative to irrigation of arid lands.

Also: Passed the following bills: Assembly Bill No. 53—An Act to provide for the reorganization of municipal corporations and for determining the population thereof.

Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

Senate Concurrent Resolution No. 6 and Senate Joint Resolution No. 8 ordered to enrollment.

Assembly Bill No. 53 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 246 read first time, and referred to Committee on Municipal Corporations.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Taylor: Senate Bill No. 515—An Act to provide for the organization and management of live stock insurance companies.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Also: Senate Bill No. 516—An Act to amend Sections 1726 and 1732 of the Code of Civil Procedure of the State of California, relating to the duties of Public Administrator.

Read first time, and referred to Committee on Judiciary.

By Senator Currier: Senate Bill No. 517—An Act to amend Section 876 of an Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Cutter: Senate Bill No. 518—An Act to regulate the business of commission merchants, agents, factors, or brokers dealing in farm produce, poultry, grain, fruit, seeds, honey, or dairy products.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Doty: Senate Bill No. 519—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges for the same.

Read first time, and referred to Committee on Roads and Highways.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Passed on file, but to retain place on file.

Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Passed on file, but to retain place on file.

Senate Bill No. 94—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to, how funds of insurance companies may be invested.

Passed on file, but to retain place on file.

At eleven o'clock and forty-five minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senate Bill No. 30—An Act adding fifteen new sections to the Political Code, to be numbered consecutively 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections.

Read third time.

The question being on the passage of Senate Bill No. 30.

The roll was called, and Senate Bill No. 30 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Carrier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—Senators Cutter and Shortridge—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 132—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Assembly Bill No. 118—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

Also: Assembly Bill No. 149—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Assembly Bill No. 265—An Act to amend Section 594 of the Code of Civil Procedure, relating to the manner of bringing an issue to trial.

Also: Assembly Bill No. 329—An Act to amend Section 3453 of the Political Code.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 407—An Act to establish a State Board of Charities and Corrections, prescribing its duties, and appropriating money therefor—have had the same under consideration; that a substitute was offered thereto, that the said bill is reported back, with instructions that the substitute be sent to the printer, and then to the committee for further consideration.

Also: Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments, and to include propositions—have had the same under consideration, and respectfully report the same back, as per instructions, and without recommendation.

Also: Senate Constitutional Amendment No. 15—Relative to an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation—have had the same under consideration, substitute adopted therefor, and the same reported back, with the recommendation that the substitute be adopted.

Also: Senate Constitutional Amendment No. 3—Proposing to the people of the State of California an amendment to Section 7 of Article I of the Constitution of this State, relating to the rights of trial by jury, and number of jurors necessary to render a verdict—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

GILLETTE, Chairman.

Assembly Bills Nos. 132, 118, 149, 265, 166, and 329 ordered on special file of Assembly bills for second reading.

Substitute for Senate Bill No. 407 ordered to print, and re-referred to Committee on Judiciary.

Constitutional Amendments Nos. 15 and 3 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 8, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 279—An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat, and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns within the State of California, and repealing conflicting Acts.

Also: Senate Bill No. 433—An Act to amend Section 629 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations.

Also: Senate Bill No. 485—An Act in relation to the selection of appraisers to determine the loss under fire insurance policies.

Also: Senate Bill No. 486—An Act to add a new section to the Penal Code, to be known as Section 526, protecting insurance policy holders, and defining their rights in cases of total loss.

Also: Senate Bill No. 329—An Act to amend Section 2756 of the Civil Code, relating to the measure of indemnity in a fire insurance policy.

Also: Senate Bill No. 431—An Act to prohibit the sale of water gas for illuminating purposes, and to prohibit the forcing of air in and through mains and pipes used for supplying illuminating gas, and making a penalty therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 27—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered Sections 494, 495, and 496, authorizing the purchase or lease by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now, or hereafter may be doing business as common carriers in this State, of any or all of the property and franchises owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or of any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease by any such corporation, as above mentioned, of any such property or franchises, or both, which it may own, use, or hold, wholly or partially, in this State—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute be adopted.

Also: Assembly Bill No. 117—An Act to amend Section No. 456 of the Civil Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Senate Bills Nos. 279, 433, 485, 486, 329, 431, and 27 ordered on file for second reading.

Assembly Bill No. 117 ordered on special file of Assembly bills for second reading.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem., having resumed the chair, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 8, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to

order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—78.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Tuesday, February 7, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Tuesday, February 7, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Leavitt, Shortridge, and Wolfe—6.

For U. S. Grant, Jr.—Senators Boyce, Jones, Maggard, Nutt, Smith, and Trout—6.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Irving M. Scott—Senator Davis—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For William T. Jeter—Senator Hall—1.

Whole number of votes cast by Senators.....	34
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	6 votes.
U. S. Grant, Jr., received	6 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
Stephen M. White received	10 votes.
William T. Jeter received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly

to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.

For William T. Jeter—Mr. Burnett—1.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	76
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote
R. N. Bulla received	9 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	18 votes.
William T. Jeter received	1 vote.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	110
Necessary to a choice.....	56
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	23 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	25 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	28 votes.
William T. Jeter received	2 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION TO ADJOURN.

Assemblyman Dibble moved that the Joint Assembly do now adjourn.

The ayes and noes were demanded by Assemblymen Dale and Works and Senator Smith.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Currier, Curtin, Davis, Dickinson

son, Flint, Gillette, Hall, Hoey, La Rue, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Taylor, and Wolfe—24.

NOES—Senators Braunhart, Cutter, Doty, Dwyer, Jones, Maggard, Nutt, Pace, Smith, Stratton, and Trout—11.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Arnerich, Barry, Beecher, Boone, Boynton, Burnett, Caminetti, Clough, Cobb, Conrey, Cosper, Cowan, Devoto, Dibble, Dunlap, Feliz, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Lundquist, McKeen, Mead, Melick, Miller of Los Angeles, Miller of San Francisco, Muenter, O'Brien, Pierce, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, White, Wright, and Mr. Speaker—45.

NOES—Messrs. Atherton, Belshaw, Bliss, Blood, Brooke, Brown, Cargill, Crowder, Crowley, Dale, De Lancia, Fairweather, Glenn, Greenwell, Griffin, Hanley, Huber, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Wardell, and Works—33.

ADJOURNMENT.

Whereupon, at twelve o'clock and thirty-five minutes P. M., the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Thursday, February 9, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—31.

HOOR OF RECESS EXTENDED.

On motion of Senator Dickinson, the hour for taking a recess was extended.

In compliance with his notice, given on yesterday, Senator Dickinson moved that the vote whereby Assembly Bill No. 287—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk, the deputy clerks, and stenographer of the Clerk of the Supreme Court"—was on yesterday refused passage be reconsidered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Stratton, Trout, and Wolfe—31.

NOES—Senator La Rue—1.

SPECIAL ORDER SET.

Senator Dickinson moved that the further consideration of Assembly Bill No. 287 be made a special order for Thursday, February 9, 1899, immediately after reading of the Journal.

So ordered.

RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Smith, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bulla, Burnett, Chapman, Davis, Dickinson, Doty, Flint, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, and Trout—22.

Quorum present.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 8, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly reengrossed Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Also: Have found correctly engrossed Senate Bill No. 325—An Act to provide for the erection of buildings, and certain improvements for the University of California and its affiliated colleges.

JONES, Chairman.

Senate Bills Nos. 66 and 325 read, and ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 42—An Act to amend an Act entitled "An Act authorizing boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Passed on file, but to retain place on file.

Assembly Bill No. 288—An Act entitled an Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court."

SPECIAL ORDER SET.

During third reading of bill, Senator Dickinson moved that the further consideration of Assembly Bill No. 288 be made a special order for Thursday, February 9, 1899, to follow the special order already set for that day.

So ordered.

At two o'clock and fifteen minutes P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Assembly Bill No. 243—An Act conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "a building," on line 5, Section 1, page 1, printed bill, and inserting in lieu thereof the word "buildings."

Amendment adopted.

Also: Amend by striking out the words "a building," on line 4, Section 2, page 1, printed bill, and inserting in lieu thereof the word "buildings."

Amendment adopted.

Also: Amend by striking out "and furnish such building," on lines 8 and 9, Section 2, page 1, printed bill, and inserting the words "such buildings."

Amendment adopted.

Also: Amend by striking out the words "and furnishing said building," on line 16, Section 2, printed bill, and inserting in lieu thereof the words "said buildings."

Amendment adopted.

Also: Amend by striking out the word "building," line 1, Section 3, page 2, printed bill, and inserting in lieu thereof the word "buildings."

Amendment adopted.

Also: Amend by striking out the words "and furnishing of such building," on lines 5 and 6, Section 4, page 2, printed bill, and inserting in lieu thereof the following: "of such buildings."

Amendment adopted.

Also: Amend by striking out the words "and furnishing of such building," on lines 15 and 16, Section 4, page 2, printed bill, and inserting in lieu thereof the words "of such buildings."

Amendment adopted.

Also: Amend by striking out the word "building," line 18, Section 4, page 2, printed bill, and inserting in lieu thereof the word "buildings."

Amendment adopted.

Also: Amend by striking out the word "building" on line 1, Section 5, page 2, printed bill, and inserting the word "buildings."

Amendment adopted.

Also: Amend by striking out the words "building is to," on line 7, Section 7, page 5 printed bill, and inserting the words "buildings are to."

Amendment adopted.

Bill read second time, ordered to print and on file for third reading.

Assembly Bill No. 293—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Passed on file, but to retain place on file.

Assembly Bill No. 84—An Act to provide for a lunch hour for laborers in sawmills, shingle-mills, shakemills, and logging-camps.

Read third time.

The roll was called, and Assembly Bill No. 84 finally passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Gillette, Hooy, Jones, Laird, La Rue, Leavitt, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, and Taylor—25.

NOES—Senators Dickinson and Luchsinger—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts and protection districts for nonuser of corporate powers.

Passed on file, but to retain place on file.

Assembly Bill No. 121—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots, Pilot Commissioners, and pilotage.

Read second time, and ordered on file for third reading.

Assembly Bill No. 2—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor.

Read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 488—An Act to promote the reclamation, cultivation, and settlement of desert lands conditionally granted to the State of California by the Congress of the United States.

Also: Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Also: Senate Bill No. 294—An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Also: Assembly Bill No. 145—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the land owners before the Commissioners of Assessment, in relation to such assessments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 226—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the land owners before the Commissioners of Assessment, in relation to such assessments—have had the same under consideration, and respectfully report the same back, and recommend that the author be given permission to withdraw said bill.

MAGGARD, Chairman.

Senate Bills Nos. 488, 320, and 294 ordered on file for second reading.

Assembly Bill No. 145 ordered on special file of Assembly bills for second reading.

Senator Cutter asked for and was granted unanimous consent to withdraw Senate Bill No. 226—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the land owners before the Commissioners of Assessment, in relation to such assessments.

Senate Bill No. 226 withdrawn and ordered stricken from the file.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 7, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Assembly Bill No. 158—An Act to amend Sections 6, 7, and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act

amendatory thereof, approved February 18, 1885, and an amendatory Act thereof, approved March 7, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Finance and Claims, and that it do pass.

Also: Senate Bill No. 264—An Act to prohibit the use of stagnant water in the drinking-troughs used by domestic animals, and to prevent the spread of infectious diseases—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 371—An Act to reorganize the State Board of Health, and to grant it additional powers—have had the same under consideration, and respectfully offer the accompanying substitute, and recommend that it do pass.

NUTT, Chairman.

Assembly Bill No. 158 referred to Committee on Finance and Claims.

Senate Bill No. 264 and Senate Bill No. 371, and accompanying substitute, ordered on file for second reading.

Senator Dwyer asked for and was granted unanimous consent to withdraw Senate Bill No. 343—An Act creating a Board of State Charities and prescribing its duties and powers.

Senate Bill No. 343 withdrawn and ordered stricken from the file.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 94—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read third time.

The question being on the passage of Senate Bill No. 94.

The roll was called, and Senate Bill No. 94 passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Gillette, Hoey, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

The bill having been read a third time on a previous day.

The roll was called, and Senate Bill No. 66 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following Senate constitutional amendment, Senate joint resolution, and bills were introduced:

By Senator Ashe: Senate Bill No. 520—An Act to compel corporations, persons, and associations, furnishing water for domestic purposes to the inhabitants of any city or town, to furnish filters at its, and his, own expense upon demand of a consumer and rate-payer, upon com-

plaint that such water is, by reason of impurity, unfit for use; and to permit a consumer and rate-payer, in case of refusal by the corporation, person, or association, to furnish the same and deduct the cost from any sum due the corporation, person, or association for water furnished, or from any sum which thereafter may become due for water furnished.

Read first time, and referred to Committee on Corporations.

By Senator Curtin: Senate Bill No. 521—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation.

Read first time, and referred to Committee on Mines, Drainage, and Débris.

Also: Senate Bill No. 522—An Act to provide for the payment for the advertising of the constitutional amendments, and to make an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 523—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by repealing Section 11½ thereof, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water, approved March 2, 1897.

Read first time, and referred to Committee on Corporations.

By Senator Currier: Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

Read first time, and referred to Committee on Irrigation and Water Rights.

By Senator Davis: Senate Bill No. 525—An Act to amend Sections 649, 658, 659, 660, 661, 950, 952, 953, and 957 of the Code of Civil Procedure, concerning the settlement of bills of exceptions, new trials, and appeals.

Read first time, and referred to Committee on Judiciary.

By Senator Rowell: Senate Bill No. 526—An Act for the relief of George O. Duncan, Captain of Company C, Sixth Infantry Regiment, Third Brigade, National Guard of the State of California, for injuries received by him while in the performance of his duties as such Captain, under orders of his superior officer, and appropriating money therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Pace: Senate Bill No. 527—An Act to add a new section to the Penal Code of this State, relating to the preservation of game.

Read first time, and referred to Committee on Forestry, Fish, and Game.

Also: Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1890.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Davis: Senate Constitutional Amendment No. 18—Relative to a proposed amendment to Article VI of the Constitution of the State of California, relating to the Judiciary Department.

Referred to Committee on Judiciary.

By Senator Dwyer: Senate Joint Resolution No. 19—A resolution as to making upon the Island of Molokai a leper hospital, for the care of all lepers within the United States.

Referred to Committee on Federal Relations and Immigration.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 133 —An Act concerning registration for primary elections.

Read third time.

The roll was called, and Senate Bill No. 133 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Gillette, Hoey, Jones, Laird, La Rue, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 83 —An Act to amend Section 1188 of the Political Code, relating to the method by which candidates for public office may be nominated.

Read third time.

The roll was called, and Senate Bill No. 83 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 95—An Act to amend Section 1186 of the Political Code, relating to conventions.

Read third time.

The roll was called, and Senate Bill No. 95 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Substitute for Senate Bill No. 379—An Act to promote the purity of primary elections, and to punish offenses thereat.

Read third time.

The roll was called, and Substitute for Senate Bill No. 379 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Passed on file, but to retain place on file.

RESOLUTION—(OUT OF ORDER).

Senator Laird offered the following resolution, and moved its adoption:

Resolved, That Senate Bill No. 476 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each House are hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

During the discussion on the foregoing resolution, the following point of order was raised:

POINT OF ORDER.

Senator Bulla raised the point of order that the discussion was out of order, as it was directed to the question of substitution of Senate Bill No. 476 for Senate Bill No. 19, whereas the resolution was to declare Senate Bill No. 476 a case of urgency.

The acting President decided the point of order well taken.

MOTION.

Senator Davis moved that the resolution be laid on the table.

The ayes and noes were demanded on the foregoing motion by Senators Boyce, Leavitt, and Chapman.

The roll was called, and the motion lost by the following vote:

AYES—Senators Boyce, Bulla, Chapman, Currier, Davis, Gillette, Jones, Leavitt, Rowell, Stratton, Taylor, and Trout—12.

NOES—Senators Ashe, Bettman, Braunhart, Curtin, Cutter, Doty, Dwyer, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Sims, and Wolfe—16.

The question then recurring on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Currier, Curtin, Cutter, Doty, Dwyer, Hoey, Laird, Maggard, Morehouse, Nutt, Sims, and Wolfe—16.

NOES—Senators Boyce, Burnett, Chapman, Davis, Gillette, Jones, La Rue, Leavitt, Rowell, Smith, Stratton, Taylor, and Trout—13.

Senator Leavitt moved that Senate Bill No. 476 be taken up out of order, and read second time.

There being no objection, it was so ordered.

Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

During the second reading of bill, the following amendment was offered by Senator Gillette:

Amend by striking out all the words on lines 19, 20, 21, and 22 of Section 1, printed bill.

Amendment lost.

Bill read second time, ordered to engrossment and on file for third reading.

MOTION TO RECONSIDER.

Senator Stratton, in accordance with his notice given on February 7, 1899, moved that the vote whereby Assembly Bill No. 45—An Act to

provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory—was on a previous day finally passed be reconsidered.

The roll was called, and the motion to reconsider the vote whereby Assembly Bill No. 45 was passed, carried by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Cutter, Davis, Doty, Dwyer, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, and Wolfe—26.

NOES—Senator Trout—1.

AMENDMENTS.

Senator Taylor moved that Senator Stratton be appointed a special committee of one to amend the bill, as follows:

Amend by inserting after the word "by" in Section 1, line 24, the words "the owners of any single tract of land exceeding five acres in area or by."

Also: Amend by inserting after the word "annexed" in Section 1, line 28, the words "or the owners of any single tract of land exceeding five acres in area."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 45—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory—with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print.

MOTION.

Senator Taylor moved that Assembly Bill No. 45 be placed at the head of special file of Assembly bills.

So ordered.

RESIGNATION OF COMMITTEE CLERK.

To the Senate of the State of California:

I hereby tender my resignation as committee clerk of the Senate.

Respectfully,

PAUL M. GREGG.

Resignation accepted.

RESOLUTIONS—(OUT OF ORDER).

Senator Cutter offered the following resolution, and moved its adoption:

It appearing that Paul Gregg has resigned his position as committee clerk, it is hereby

Resolved, That Howard A. Masac be and is hereby appointed a committee clerk, to take effect from and after Saturday, February 4th, the date of the vacancy in said clerkship.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Senator Luchsinger offered the following resolution, and moved its adoption:

Resolved, That the Special Committees of Finance and Public Buildings be reimbursed for expenditures actually incurred for traveling expenses, amounting to \$54, on their trip of inspection of the Home of the Feeble-Minded, at Glen Ellen, and that the Controller be directed to draw his warrant for the amount, to be charged to the Contingent Fund of the Senate.

Resolution read, and referred to the Committee on Attachés, Contingent Expenses, and Mileage.

PETITIONS—(OUT OF ORDER).

Senator Laird presented the following petitions, which were ordered printed in the Journal, down to and including the sixth name on each:

To HON. J. T. LAIRD, *State Senator*:

DEAR SIR: We, the undersigned, residents of the State of California, respectfully represent:

That the laws and regulations thereunder, relative to quarantine against diseases among domestic animals, work a great and unjust hardship against that section of the State of California which lies at high altitudes along the Sierra Nevada Mountains, and to the east thereof, where the industry of stock-raising is one of great magnitude. Such unjust hardship consists in the following particulars:

It is a well-known fact that splenic fever in cattle is propagated by a parasite or tick; and that such parasite or tick is entirely destroyed by cold weather, such as prevails in the section of the State aforesaid during the fall, winter, and spring of each year. There can be, therefore, no just cause for maintaining a quarantine against said section, on account of such infection, during said cold season.

It is, however, a fact that said section is under a quarantine for such fever, proclaimed by the Honorable Secretary of Agriculture of the United States, which prevents the shipment of cattle from said section, except under very onerous and burdensome regulations, tending to restrict or destroy the profits of the business.

It is represented to the subscribers hereto that any quarantine proclaimed by the Honorable Secretary of Agriculture, must, under the existing Statutes of the United States, follow State lines, and affect all if any part of a State.

And such are the existing laws of the State of California that no local quarantine can be declared thereunder against one portion of this State, and for the protection of another portion; which state of the law renders it impossible to prevent the bringing into the section of the State aforesaid, at any period of the year, cattle from any other portion of the State, notwithstanding such cattle may be infected with some contagious disease.

Such being the existing conditions, we respectfully represent that some relief should be granted whereby the stock-raising industry of the State may be fostered and protected. And to that end we respectfully suggest:

First—That the laws of this State should be so amended as to authorize and direct the State Board of Health to declare a quarantine against any district in this State wherein any contagious or infectious disease exists among domestic animals, to prevent such diseased animals from being driven, or taken, out of such district.

Second—That the Legislature of this State should by proper resolution instruct our Senators, and request our Representatives in Congress, to use their best endeavors to procure the amendment of United States laws, so that the Honorable Secretary of Agriculture may relieve a portion of a State from quarantine when no contagious or infectious disease exists in such portion.

And we respectfully urge that you use every effort to procure the enactment of the laws and resolutions herein suggested, or such other and different laws and resolutions as shall tend to afford the relief desired.

T. J. DUNLAP.

T. J. SHEA.

A. H. WALLER.

J. S. CULCHER.

E. DUNLAP.

A. F. BRADSHAW, M. D.

And two hundred and fifty others.

Also:

To the HON. JAMES T. LAIRD and HON. G. G. CLOUGH, *Sacramento, Cal.*:

GENTLEMEN: We, your petitioners, residents and taxpayers of Lassen County, do hereby protest against Senate and Assembly Bills Nos. 363 and 308, Section 25, Subdivision 25, which reads as follows: "No license tax upon the business of raising, grazing, pasturing, or herding sheep shall exceed two cents per annum per head, and no license

tax shall be imposed for or on account of unweaned lambs." We most respectfully ask that said section be stricken out, or be made to read not less than five cents for sheep and lambs.

D. R. BROWNELL.
J. R. M'KENZIE.
A. O. HOLCOMB.
GEO. E. BASSETT.
CHAS. E. WATSON.
LEE KELLEY.
And thirty-five others.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was introduced by Senator Davis:

Senate Concurrent Resolution No. 7—Relative to California troops at Manila.

SUSPENSION OF RULES.

On motion of Senator Davis, the rules were suspended for the purpose of considering the above concurrent resolution.

SENATE CONCURRENT RESOLUTION NO. 7.

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all the members elected to each House voting for and concurring herein), That the Secretary of the Senate send immediately by telegraph to the California troops at Manila the following words: "Well done, California."

Resolution read.

The roll was called, and Senate Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Curtin, Davis, Dickinson, Doty, Dwyer, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.
NOES—None.

Resolution ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Prisk was granted a leave of absence for Thursday, February 9, 1899, on motion of Senator Gillette.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until ten o'clock A. M. of Thursday, February 9, 1899.

IN SENATE.

SENATE CHAMBER,
Thursday, February 9, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird,

La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

Quorum present.

PRAYER.

Prayer by Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, February 8, 1899, was read.

The Journals of Saturday, February 4, and Monday, February 6, 1899, were approved.

LEAVE OF ABSENCE.

Senator Simpson was granted leave of absence for the day, on motion of Senator Bulla.

Senator Langford, on account of illness, was granted a leave of absence, on motion of Senator Bulla.

SPECIAL ORDERS.

The further consideration of Assembly Bills Nos. 287 and 288, having been set as a special order for this hour, the same were taken up.

Assembly Bill No. 287—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk, the deputy clerks, and the stenographers of the Clerk of the Supreme Court."

The bill having been read third time on a previous day, Senator Stratton moved that Senator Dickinson be appointed a special committee of one to amend the bill as follows:

Amend by inserting on line 6, of Section 1 thereof, after the words "Supreme Court," the following: "other than of the stenographer."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 287—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, the deputy clerks, and the stenographer of the Clerk of the Supreme Court"—with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 288—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court."

Bill read third time.

Senator Stratton moved that Senator Dickinson be appointed a special committee of one to amend the bill as follows:

Amend printed bill by striking out of Section 1 all of lines 4, 5, 6, 7, and 8, and inserting in lieu thereof the following: "Section 751. There shall be appointed by the Clerk of the Supreme Court six deputy clerks of the Supreme Court, one of whom shall be a stenographer; and there shall likewise be appointed, in addition thereto, a chief deputy

clerk of said Supreme Court. The chief deputy clerk and deputy clerks of the Supreme Court shall be civil executive officers."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 288—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court"—with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print.

RESOLUTION.

By Senator Smith:

Resolved, That beginning Monday, February 13, 1899, the daily sessions of the Senate shall begin at ten A. M., two P. M., and eight P. M., until further order of the Senate.

Referred to Committee on Rules and Revision.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed: Senate Bill No. 9—An Act to amend "An Act in relation to foreign corporations," approved April 1, 1872.

Also: Senate Bill No. 251—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Also: Senate Bill No. 214—An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used.

Also: Senate Bill No. 178—An Act to add a new section to the Political Code of California, to be known as Section 635 thereof, relating to the form of fire insurance policies.

Also: Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

JONES, Chairman.

Senate Bills Nos. 9, 251, 214, 178, and 476 ordered on file for third reading.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 308—An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V of the Political Code, relating to the State Library.

Also: Assembly Bill No. 156—An Act for the protection of horticulture, and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

Also: Assembly Bill No. 13—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor.

Also: Assembly Bill No. 30—An Act to amend Sections 2579, 2588, 2589, 2590, 2591, and 2605 of the Political Code, approved March 12, 1872, relating to the powers and duties of said Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 91—An Act to prevent deception in the sale of process or renovated butter.

Also: Assembly Bill No. 157—An Act to prevent the shipment of infected fruits out of the State of California.

Also: Assembly Bill No. 529—An Act to amend an Act entitled "An Act to establish a Political Code," by adding thereto a new section, to be numbered 1818a, providing for

special funds for the payment of teachers' salaries in counties constituting but one school district, and defining the duties of Boards of Education, Auditors, and Treasurers in relation thereto.

Also: Adopted Senate Joint Resolution No. 7—Relative to false branding of food products.

Also: Senate Joint Resolution No. 15—Relative to Brigham H. Roberts.

Also: Amended, and passed as amended, Senate Bill No. 109—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd, by the State Board of Examiners, and to appropriate money therefor—and respectfully request that the Senate concur in said amendments.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 109—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd by the State Board of Examiners, and to appropriate money therefor.

Senator Dickinson moved that the Senate concur in the following Assembly amendments to Senate Bill No. 109:

Amend Section 1, line 4, by striking out the word "three" and inserting in lieu thereof the word "five."

Also: Amend Section 2, line 1, by striking out the word "three" and inserting in lieu thereof the word "five," all in copy of printed bill.

The question being: "Shall the Senate concur in the foregoing amendments to Senate Bill No. 109?"

The roll was called, and the Senate concurred in the Assembly amendments by the following vote:

AYES—Senators Beltman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, Luchsinger, La Rue, Maggard, Nutt, Pace, Sims, Taylor, Trout, and Wolfe—26.

NOES—None.

Assembly Bill No. 308 read first time, and, on motion, was ordered on special file of Assembly bills.

Assembly Bill No. 156 read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Assembly Bill No. 13 read first time, and referred to Committee on Commerce, Harbors, and Rivers.

Assembly Bill No. 30 read first time, and, on motion, ordered on special file of Assembly bills.

Senate Joint Resolutions Nos. 7 and 15 ordered to enrollment.

Senate Bill No. 91 ordered to enrollment.

Assembly Bill No. 157 read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Assembly Bill No. 528 read first time, and referred to Committee on Education and Public Morals.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 301—An Act to amend an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, by amending Sections 1 and 2 thereof.

Also: Assembly Bill No. 302—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.

Also: Senate Bill No. 456—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to provide for Police Courts in cities having 30,000 and under 100,000 inhabitants, and to provide for officers thereof,' approved March 18, 1885, and 'to provide for clerks of Police Courts in cities of 26,000 and under 50,000 inhabitants,' approved March 31, 1891, so that the same shall conform to the Act providing for the classification of municipal corporations."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 181—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 273—An Act to amend Sections 2, 3, 4, and 5 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, and the Act amendatory thereof, approved April 1, 1897.

Also: Senate Bill No. 457—An Act to amend Section 6 of an Act entitled "An Act to provide for Police Courts in cities having 30,000 and under 100,000 inhabitants, and to provide for officers thereof," approved March 18, 1885, and to provide for clerks of Police Courts in cities of 26,000 and under 50,000 inhabitants, approved March 31, 1891, and to provide clerks of Police Courts in cities having a population of more than 50,000 and not exceeding 100,000 inhabitants, approved March 26, 1895, so that the same shall conform to the Act providing for the classification of municipal corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

TAYLOR, Chairman.

Assembly Bills Nos. 301, 302, and 273 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 456, 181, 427, and 457 ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1899.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 306—An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Assembly Bill No. 366 ordered on special file of Assembly bills for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 8, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 364—An Act to amend Section 3 of an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

CUTTER, Chairman.

Senate Bill No. 364 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 229—An Act to select and adopt the golden poppy as the State flower of California.

Also: Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego, by the Board of State Harbor Commissioners for San Diego Bay.

Also: Senate Constitutional Amendment No. 14—Relative to amending Article XIII of the State Constitution.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 495—An Act to amend Section 1395 of the Code of Civil Procedure.

Also: Senate Bill No. 380—An Act concerning a Veteran Volunteer Fireman's Association of California, and to provide for its management and control, and to appropriate money for its support, and relating to the enrollment, formation into fire companies, and services as firemen of such veteran volunteer firemen.

Also: Assembly Constitutional Amendment No. 6—Proposed amendment to Article XIII, relative to exempting from taxation churches and chapels.

Also: Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Also: Senate Constitutional Amendment No. 9—Relative to the compensation of Supreme and Superior Court Judges.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 281—An Act to amend an Act relating to commitments to the State School at Whittier, and to the Preston School of Industry: fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed, approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Senate Bill No. 359—An Act to regulate the practice of architecture—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 372—An Act to amend Section 2 of an Act entitled "An Act to repeal Chapter II of Title VI, Part III, of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II of Title VI of Part III of said Code, and substitute the same in the place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883, relating to roads and highways.

Also: Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as and numbered Section 2664, relating to highway taxes.

Also: Senate Bill No. 374—An Act to amend Section 2653 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Roads and Highways.

Also: Assembly Bill No. 5—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act—have had the same under consideration, and respectfully report the same back without recommendation, except that it be referred to Committee on Education and Public Morals.

Also: Assembly Bill No. 250—An Act to amend Section 2608 of the Political Code of the State of California, relating to the general revenue of the State, and the property liable to taxation for the purpose of revenue, and to add new sections, to be known as Sections 3609 and 3610; also, relating to the general revenue of the State, and the property liable to taxation for the purpose of revenue—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be referred to Committee on Banks and Banking.

GILLETTE, Chairman.

Assembly Bill No. 229 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 47, 359, 495, 380, and 281, with substitute, ordered on file for second reading.

Senate Constitutional Amendments Nos. 6 and 14 ordered on file.

Senate Bills Nos. 372, 373, and 374 referred to Committee on Roads and Highways.

Assembly Bill No. 5 referred to Committee on Education and Public Morals.

Assembly Bill No. 250 referred to Committee on Banks and Banking.

MOTIONS.

Senator Wolfe moved to consider Assembly Constitutional Amend-

ment No. 6—Proposed amendment to Article XIII, relative to exempting from taxation churches and chapels—just reported back from the Committee on Judiciary, for the purpose of adopting the committee amendments.

So ordered.

AMENDMENT No. 1.

Amend by striking out the words "of churches and chapels and the real property on which they are situated," on lines 5 and 6 of the title, first page, printed bill, and inserting in lieu thereof the following: "of all buildings used solely and exclusively for religious worship, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding the words "provided that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation," after the word "taxation," first changing the period to a comma, on line 5, Section 1½, first page, printed bill.

Amendment adopted.

Assembly Constitutional Amendment No. 6, as amended, ordered to print and on special file of Assembly bills.

Senator Cutter moved to consider Senate Constitutional Amendment No. 9—Relative to the compensation of Supreme and Superior Court Judges—just reported back from the Committee on Judiciary, for the purpose of adopting the committee amendments.

So ordered.

AMENDMENT No. 1.

Amend by striking out the period after the word "State," and inserting in lieu thereof a comma and the following words: "until otherwise changed by the Legislature," on line 6, Section 17, on first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by making the letter "t" in the last "the" a capital "T," on line 6, Section 17, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the period after the word "each," on line 8, Section 17, first page, printed bill, and insert in lieu thereof a comma.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "until otherwise changed by the Legislature," on lines 8 and 9, Section 17, first page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the comma after the word "monthly," on line 10, Section 17, first page, printed bill, and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "but no Judge of a Superior Court shall be allowed a salary greater than four thousand dollars per annum," on lines 10, 11, and 12, Section 17, first page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the comma after the word "fees," on line 19, Section 17, second page, printed bill.

Amendment adopted.

Senate Constitutional Amendment No. 9 ordered to print and on file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 247—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 138—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

ROWELL, Chairman.

Senate Bill No. 247 ordered on file for second reading.

Senate Bill No. 138 referred to Committee on Judiciary.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 349—An Act to amend Sections 1912, 1913, 1914, 1917, 1920, 1922, 1934, 1936, 1939, 1940, 1941, 1943, 1951, 1952, 1954, 1955, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1990, 1991, 1992, 1993, 2003, 2004, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2094; to repeal Sections 1902, 1918, 1923, 1927, 1929, 1937, 1938, 1969, 2003, as approved April 1, 1897, 2054, 2055, 2056, 2057, 2058, 2064, 2065, 2066, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2099, 2105, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, and to add new sections, to be known and numbered as Sections 1959a, 1977, 1978, 1987, 1988, 1989, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2038a, 3033, 3034, and 1967a, all of and to the Political Code of the State of California relating to the National Guard.

Also: Senate Bill No. 362—An Act to establish a camp of instruction for the National Guard of the State of California, and to authorize the acquisition by donation of a site for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 263—An Act to amend Section 1895 of the Political Code of the State of California, relating to the persons subject to military duty, and to those who may constitute military organizations, in the military service of the State.

Also: Senate Bill No. 363—An Act to amend Section 2022 of the Political Code of California.

Also: Senate Bill No. 466—An Act regarding organizations, officers, and members of the National Guard who entered the United States Volunteer service during the year 1898, their privileges and exemptions.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LAIRD, Chairman.

Senate Bills Nos. 263, 363, 466, 349, and 362 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller of the State be and he is hereby authorized to draw his warrant in favor of D. Johnston & Co. for the sum of \$38, payable out of the Contingent Fund of the Senate, for printing roll calls and other blanks for the Senate previous to the opening of the State Printing Office, as shown by attached bill. The Treasurer is hereby directed to pay the said warrant.

To D. Johnston & Co., Dr.

Jan. 3—500 roll calls	\$15 00
200 committee reports	4 00
100 messenger reports	3 00
50 calls of house	2 50
100 concurrent resolutions	3 00
200 oaths of office	4 00
50 urgency blanks	2 50
250 resolution blanks	4 00
Total	\$38 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also, the following resolution:

Resolved. That the Sergeant-at-Arms of the Senate be and he is hereby authorized to supply the press mailing clerks with \$20 worth of postage stamps, and that the same be paid for out of the fund for the contingent expenses of the Senate, and that the Controller is hereby directed to draw his warrant for said amount.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Currier, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, Sims, Smith, Stratton, Trout, and Wolfe—26.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Davis: Senate Bill No. 529—An Act making an appropriation to pay the claim of John J. Snyder, for costs of suit in foreclosing delinquent purchasers of State school lands.

Read first time, and referred to Committee on Finance and Claims.

By Senator Morehouse: Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel.

Read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

The bill having been read third time on a previous day.

Senator Dickinson moved that Senator Smith be appointed a special committee of one to amend the bill as follows:

Amend by inserting after the word "required," on line 3 of Section 2, page 2 of printed bill, the words "upon complaint made to it of the existence of any disease among stock, or of unsanitary conditions, as mentioned and referred to in this Act."

Also: Insert on line 3, Section 2 of printed bill, after the word "all" the word "the,"

Also: Insert after the word "State," on line 3, Section 2 of printed bill, the words "so complained of or of which it has such information."

Also: Insert after the word "Act," on line 8, Section 2 of printed bill, the words "belonging to or in any way used about or pertaining thereto."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Passed on file, by unanimous consent, but to retain place on file.

Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897.

Senator Braunhart moved that Senator Sims be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 2, the words "tax on," after the word "establish."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897—with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMS, Committee.

Report of special committee of one and amendment adopted.

Senator Braunhart moved that Senator Sims be appointed a special committee of one to amend the bill as follows:

Amend Section 1 by inserting in line 22, after the word "issue," the words "brother, sister."

The question being on the adoption of the motion.

The ayes and noes were demanded by Senators Braunhart, Taylor, and Davis.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Davis, Doty, Dwyer, Jones, La Rue, Pace, Rowell, Sims, Taylor, and Trout—14.

NOES—Senators Bulla, Burnett, Currier, Curtin, Cutter, Feeney, Flint, Gillette, Hall, Laird, Luchsinger, Maggard, Morehouse, Nutt, Smith, Stratton, and Wolfe—17.

Senator Taylor moved to appoint Senator Davis a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 45, the word "hundred," and inserting the word "thousand."

Motion lost.

Senator Braunhart moved that Senator Sims be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 8, after the figure "1," the words "after the passage of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897—with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMS, Committee.

Report of special committee of one and amendment adopted.

Senate Bill No. 5 read third time, ordered to print and reëngrossment.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Cutter moved to be permitted to withdraw Senate Bill No. 19—An Act to amend an Act to regulate the width of tires of wagons to be used on the public highways of the State of California, approved March 20, 1897, by adding a new section limiting its operation—and substitute therefor Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Motion carried.

Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Read third time.

On motion of Senator Laird, further consideration of Senate Bill No. 476 was postponed until three o'clock and thirty minutes p. m. of this day.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Thursday, February 9, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kennally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—75.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Wednesday, February 8, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, February 8, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
 For R. N. Bulla—Senators Currier, Gillette, and Taylor—3.
 For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, and Wolfe—6.
 For U. S. Grant, Jr.—Senators Boyce, Jones, Maggard, Nutt, Smith, and Trout—6.
 For Thomas R. Bard—Senators Flint and Rowell—2.
 For Irving M. Scott—Senator Davis—1.
 For John Rosenfeld—Senator Feeney—1.
 For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, and Sims—9.
 For William T. Jeter—Senator Hall—1.

Whole number of votes cast by Senators.....	33
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	3 votes.
D. M. Burns received.....	6 votes.
U. S. Grant, Jr., received.....	6 votes.

Thomas R. Bard received.....	2 vote.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	9 votes.
William T. Jeter received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Lardner, and Muentner—6.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—17.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, Sanford, E. D. Sullivan, Wardell, and White—16.

For James D. Phelan—Mr. Burnett—1.

For Patrick Reddy—Mr. O'Brien.

Whole number of votes cast by Assemblymen.....	74
W. H. L. Barnes received.....	6 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	17 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	20 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	16 votes.
James D. Phelan received.....	1 vote.
Patrick Reddy received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	107
Necessary to a choice.....	54
W. H. L. Barnes received.....	10 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	12 votes.
D. M. Burns received.....	23 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	26 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	25 votes.
W. T. Jeter received.....	1 vote.
James D. Phelan received.....	1 vote.
Patrick Reddy received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes p. m., on motion of Assem-

blyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Friday, February 10, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-nine minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Sims, Smith, Stratton, Trout, and Wolfe—27.

On motion of Senator Smith, the hour of recess was extended five minutes.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 49—An Act to amend Sections 1083, 1094, 1095, 1096, 1097, 1101, 1103, 1105, 1113, 1115, 1116, 1130, 1204, and 1261, and to repeal Sections 1098, 1099, 1100, 1104 and 1114 of the Political Code.

Senator Smith moved that Senator Chapman be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, lines 4 and 5, the words: "Eleven hundred and four."

Also: Amend by adding after the word "sixteen," line 6, Section 1, the following: "Eleven hundred and thirty."

Also: Amend by striking out all of lines 162, 163, and 164.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 49—An Act to amend Sections 1094, 1095, 1096, 1097, 1101, 1103, 1104, 1105, 1113, 1115, 1116, 1130, 1204, and 1261, and to repeal Sections 1098, 1099, 1100, and 1114 of the Political Code—with instructions to amend, respectfully reports the same back, amended as per instructions.

CHAPMAN, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to reëngrossment and print.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Sims, Stratton, Taylor, and Trout—30.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 45—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Passed on file.

Assembly Bill No. 42—An Act to amend an Act entitled "An Act authorizing boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Passed on file.

Assembly Bill No. 243—An Act conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

Passed on file.

Assembly Bill No. 293—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Read third time.

Senator Davis moved that Senator Chapman be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 2, lines 3 and 4, the words and figures "eleven thousand dollars (\$11,000)," and inserting the following: "seven thousand five hundred dollars (\$7,500)."

Motion lost.

The question being on the final passage of Assembly Bill No. 293.

The roll was called, and the bill finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Sims, and Stratton—28.

NOES—Senators La Rue, Rowell, Smith, Taylor, and Trout—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts, and protection districts for nonuser of corporate powers.

Passed on file.

Assembly Bill No. 121—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots, Pilot Commissioners, and pilotage.

Read third time.

The question being on the final passage of Assembly Bill No. 121.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Sims, Stratton, Taylor, and Trout—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor.

Read third time.

The question being on the final passage of Assembly Bill No. 2.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Sims, Smith, Stratton, Taylor, and Trout—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 132—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

During the second reading of bill, the following committee amendment was submitted:

Amend by striking out the words "becomes entitled to." on line 9, section 1, page 1, printed bill, and inserting in lieu thereof the word "receives."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 118—An Act to regulate the practice of horse-shoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

During the second reading of bill, the following amendment was offered by Senator Cutter:

Amend by striking out the words "in any county in this State having a population of thirty-five thousand or over," on lines 2, 3, and 4, first page, printed bill.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Taylor, Boyce, and Stratton.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Bettman, Boyce, Cutter, Dickinson, Flint, Gillette, Laird, Leavitt, Luchsinger, Maggard, Pace, and Trout—12.

NOES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Hall, Hoey, Jones, La Rue, Morehouse, Nutt, Rowell, Sims, Smith, Stratton, and Taylor—22.

Read second time, and ordered to third reading.

Assembly Bill No. 149—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Read second time, and ordered to third reading.

Assembly Bill No. 265—An Act to amend Section 594 of the Code of Civil Procedure, relating to the manner of bringing an issue to trial.

Read second time, and ordered to third reading.

Assembly Bill No. 329—An Act to amend Section 3453 of the Political Code.

Read second time, and ordered to third reading.

Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the

Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments and to include propositions.

During the second reading of bill, the following amendment was offered by Senator Bulla:

Amend by striking out of the bill, wherever they occur, the words "or amendments" after the word "amendment."

Amendment adopted.

The following amendment was offered by Senator Davis:

Amend by striking out the lines 12, 13, 14, 15, and 16, and the portion of the word "proclamation," on line 17, second page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 117—An Act to amend Section 456 of the Civil Code.

During the second reading of bill, the following amendments were offered by Senator Cutter:

Amend by inserting the following: "Section 1," on line 1, printed bill.

Amendment adopted.

Also: And the figures "456," on line 3 of printed bill.

Amendment adopted.

Also: And to strike out the parentheses and figures "(s, 456)", in the title, and inserting the words "of the" in place thereof.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 145—An Act to amend Section 3160 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the land owners before the commissioners of assessment, in relation to such assessment.

Read second time, and ordered to third reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

The bill having been read third time and further consideration having been postponed till this hour.

The question being on the passage of Senate Bill No. 476.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Laird moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Bulla, La Rue, and Luchsinger.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Curtin, Cutter, Dwyer, Feeney, Hall, Hoey, Laird, Leavitt, Stratton, and Taylor—14.

NOES—Senators Bulla, Chapman, Currier, Davis, Dickinson, Doty, Flint, Gillette, Jones, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, Smith, and Trout—17.

The President pro tem. then declared that Senate Bill No. 476 had been refused passage by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Curtin, Cutter, Dickinson, Dwyer, Feeney, Hall, Hoey, Jones, Leavitt, Morehouse, Stratton, Taylor, and Trout -17.

NOES—Senators Bulla, Chapman, Currier, Davis, Doty, Flint, Gillette, Laird, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, and Smith—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Laird gave notice that he would on next legislative day move to reconsider the vote whereby Assembly Bill No. 45 was refused passage.

Substitute for Senate Bills Nos. 58 and 194—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of Substitute for Senate Bills Nos. 58 and 194.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Smith, Stratton, Taylor and Trout—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At three o'clock and forty-five minutes P. M., Hon. S. C. Smith, Senator from the Thirty-fourth Senatorial District, in the chair.

Senate Bill No. 152—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease.

Read third time.

Senator Davis moved that Senator Bulla be appointed a special committee of one, to amend the bill as follows:

Amend by striking out of Section 1, line 6, the words "cemetery or," after the word "for."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 152—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such association to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease—with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.

Senator Bettman moved that Senator Bulla be appointed a special committee of one to amend the bill as follows:

Amend by inserting in Section 3, line 15, after the word "cremation" and before the word "if," the words "by compulsion under the provisions of this section."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 152—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such association to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease—with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print and reëngrossment.

RESOLUTIONS—(OUT OF ORDER).

Senator Rowell offered the following resolution, and moved its adoption:

Resolved, That the Committee on Hospitals, Health, and Quarantine, and clerk of the committee, be hereby granted leave of absence, for the purpose of visiting State hospitals, from Friday, at twelve m., February 10, 1899, until Monday, at twelve m., February 13, 1899, and that they be allowed their actual traveling expenses upon the presentation of proper vouchers.

Resolution read and by unanimous vote adopted.

Senator Luchsinger offered the following resolution, and moved its adoption:

Resolved, That a special committee of three each from the Committees on Finance and Public Buildings and Hospitals be authorized to visit the State Hospital at Ukiah, on Saturday afternoon, returning Monday morning, and that actual expenses be allowed, chargeable to Contingent Fund of Senate.

Resolution read and adopted.

Senate Bill No. 177—An Act to add a new section to the Civil Code, to be known as Section 431 thereof, relating to the form of fire insurance policies.

Passed on file.

At three o'clock and fifty-five minutes P. M., President pro tem. Flint in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Concurrent Resolution No. 6—Relative to the absence of Lieutenant-Governor Neff from the State, not to exceed six months.

Also: Senate Joint Resolution No. 8—Relating to the irrigation of arid lands.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 9th day of February, 1899, at two o'clock and fifteen minutes P. M.

JONES, Chairman.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 462—An Act to protect domestic live stock from contagious and infectious diseases; to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation

therefor—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass, and be referred to Committee on Finance and Claims.

NUTT, Chairman.

Senate Bill No. 462 referred to Committee on Finance and Claims.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills were introduced:

By Senator Ashe: Senate Bill No. 531—An Act to amend Section 595 of the Code of Civil Procedure, relating to trials by jury.

Read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 532—An Act to amend Section 170 of the Code of Civil Procedure, relating to disqualification of Judges.

Read first time, and referred to Committee on Judiciary.

By Senator Jones: Senate Bill No. 533—An Act to prohibit trespassing upon locomotive engines, freight or passenger cars or trains, and to provide a punishment therefor.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Taylor (by request): Senate Bill No. 534—An Act to enable cities of the third class to issue fiscal year bonds, for the purpose of providing money for the payment of municipal expenses before the collection of taxes.

Read first time, and referred to Committee on Municipal Corporations.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 46—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a Secretary, and to appropriate money therefor.

Senator Morehouse moved that Senator Ashe be appointed a special committee of one to amend the bill as follows:

Amend by striking out the word "two," on line 9 of first page, printed bill, and inserting in lieu thereof the word "four."

Motion lost.

Bill read third time.

The question being on the passage of Senate Bill No. 46.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Stratton, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until ten o'clock A. M. of Friday, February 10, 1899.

IN SENATE.

SENATE CHAMBER,

Friday, February 10, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Frisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF JOURNAL.

The Journal of Thursday, February 9, 1899, was read.

PETITIONS.

Senator Gillette presented the following petition, which was ordered printed in the Journal, down to and including the first six names:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Eureka, in the County of Humboldt, California, respectfully ask your honorable body to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

MRS. A. D. VINAL.
MRS. J. R. FORSEY.
A. COTTRELL.
J. H. McDONALD.
E. L. COTTRELL.
G. M. YUILL.

And one hundred and forty others.

Senator Braunhart presented the following petition, which was read and ordered printed in the Journal:

The taxpayers of San Francisco, now in mass meeting assembled, confidently affirm:

1. That the City and County of San Francisco is justly entitled to have a State Normal School established therein.

2. San Francisco is the great metropolitan city of California, and the recognized commercial center of the Pacific. It belongs to all the people of the State as well as to San Franciscans, and one and all look upon it with pride and call it their own. It contains one fifth of the population of the State and educates one fifth of its children. It has furnished teachers to all sections of California, and its citizens contribute one fourth of the taxes for the support of State and municipal government.

3. The best educators in the land and the greatest economists in school matters have with singular unanimity declared in favor of Normal Schools for the special training of teachers.

We therefore look favorably upon the progress already made by our State in that direction, and while we hope for the continued success of the State Normal Schools in the interior, we most emphatically contend that it would be an act of great injustice to the people of San Francisco, and of incalculable injury and loss to those of their pupils who desire Normal School training, to be forced to seek that training and experience at boarding schools in the interior, away from their homes. And we furthermore say that a refusal to establish such a school here at this time would be in effect a denial to a large percentage of graduates from high-grade schools, who cannot afford the expense, of that degree of knowledge and experience which every person should have before receiving an appointment as teacher in the department; be it, therefore,

Resolved, That the State Legislature, now in session at Sacramento, be and it is

hereby earnestly requested to enact a law establishing a State Normal School in San Francisco, and that one of the bills now pending, with the amendments proposed by the Taxpayers' Educational League of San Francisco, be passed by said Legislature; and be it further

Resolved, That a copy of the foregoing declarations and resolutions be forwarded to the Senate and one to the Assembly at Sacramento, without delay, and that like copies be furnished to the daily press of San Francisco.

M. COONEY,
WM. HENDERSON,
T. B. EVANS,
Committee.

The foregoing resolutions were adopted in mass meeting of citizens held February 8, 1899.

W. G. JOBSON, Chairman.
W. H. BODFISH, Secretary.

MOTIONS, RESOLUTIONS, AND NOTICES.

Senator Smith moved that Senate Bill No. 49—An Act to amend Sections 1094, 1095, 1096, 1097, 1101, 1103, 1104, 1105, 1113, 1115, 1116, 1130, 1204, and 1261, and to repeal Sections 1098, 1099, 1100, and 1114 of the Political Code—be withdrawn from reëngrossment.

So ordered.

Senator Smith moved that the vote whereby the report of the special committee of one, amending Senate Bill No. 49—An Act to amend Sections 1094, 1095, 1096, 1097, 1101, 1103, 1104, 1105, 1113, 1115, 1116, 1130, 1204, and 1261, and to repeal Sections 1098, 1099, 1100, and 1114 of the Political Code—on a previous day, as follows: "by striking out of all lines 162, 163, and 164," be now reconsidered for the purpose of correction.

Motion carried by unanimous consent, and report of committee, with amendments, recalled.

Senator Smith moved to amend the report of special committee of one by striking out that portion of the report amending Senate Bill No. 49 as follows:

"Amend by striking out all of lines 162, 163, and 164."

Motion carried and report corrected.

Ordered to print and reëngrossment.

Senator Nutt offered the following resolution, and moved its adoption:

Resolved, That two members of the Senate Committee on Farming, Dairying, and Manufacturing Interests are hereby authorized to go to San Francisco on Saturday, the 11th inst., returning Monday, the 13th inst., for the purpose of inspecting the proposed site for a free market in San Francisco, and they are hereby allowed their actual traveling expenses for such inspection.

Resolution read and adopted.

Senator Dickinson offered the following resolution:

Resolved, That the Controller of State is hereby authorized to draw his warrant in favor of J. P. Fay, Clerk of the Finance Committee, from January 26, 1899, to January 30, 1899, five days, at \$6 per day (\$30), and the Treasurer of State is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Senator Smith offered the following resolution:

Resolved, That on Tuesday, February 14, 1899, immediately after the introduction of bills, each member be permitted to name one bill to be placed on a special urgency file, and that such urgency file be considered daily except during the hour for the consideration of special file of Assembly bills.

Resolution read, and referred to Committee on Rules and Revision.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 301—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Assembly Bill No. 53—An Act to provide for the organization of municipal corporations, and for determining the population thereof.

Also: Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 286—An Act authorizing cities and towns of the sixth class to obtain, by purchase, donation, or devise, lands for cemetery purposes; and authorizing the boards of trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

TAYLOR, Chairman.

Senate Bill No. 301 ordered on file for second reading.

Assembly Bills Nos. 53, 246, and 286 ordered on special file of Assembly bills for second reading.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 418—An Act to add a new section to the Political Code, to be known as Section 1890, relating to fire-escapes on school buildings—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 258—An Act authorizing the Board of Trustees of the State Normal School at Chico to construct and furnish an addition to the State Normal School building at said place, and appropriating money therefor.

Also: Senate Bill No. 383—An Act to provide for the construction of a building for library purposes and additional class rooms at the State Normal School at San José, and to provide for furnishing, equipment, and heating and ventilating apparatus therefor, and making appropriation for the same.

Have had the same under consideration, and respectfully report the same back without recommendation, and that they be referred to Committee on Finance and Claims.

SMITH, Chairman.

Senate Bill No. 418 ordered on file for second reading.

Senate Bills Nos. 258 and 383 referred to Committee on Finance and Claims.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 286—An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes, through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

ROWELL, Chairman.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following:

Resolved, That beginning Monday, February 13, 1899, the daily sessions of the Senate shall begin at ten A. M., two P. M., and eight P. M., until further order of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BETTMAN, Chairman.

Senator Dickinson moved that the above report of the Committee on

Rules and Revision be made a special order for Monday, February 13, 1899, immediately after reading of the Journal.

So ordered.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 246—An Act to provide for the organization of persons owning water which is received and distributed to their land from a common source and by the same system of works, and also for the further acquisition and development of water—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 250—An Act providing for the abandonment of operations by irrigation districts, and for the disorganization upon the discharge of all outstanding obligations, and for the sale of the property belonging to such irrigation districts for the purpose of discharging any outstanding obligations.

Also: Senate Bill No. 447—An Act to repeal an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

CURRIER, Chairman.

Senate Bills Nos. 246, 250, and 447 ordered on file for second reading.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Assembly Bill No. 157—An Act to prevent the shipment of infected fruits out of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NUTT, Chairman.

Assembly Bill No. 157 ordered on special file of Assembly Bills for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution, to wit:

Resolved, That Lieutenant-Governor, Hon. J. H. Neff, be and he is hereby allowed \$25 for contingent expenses, as allowed to members of the Senate, payable out of the appropriation for the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

FLINT, Chairman.

The question being on the adoption of the resolution reported by the Committee on Attachés, Contingent Expenses, and Mileage.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Simis, Stratton, Taylor, and Trout—28.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$464, in payment of the sundry bills hereto attached, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Jan. 25—William Carragher, two signs..... \$8 00

Star News Co., rental of typewriter from Jan 6. to Feb. 6..... 6 00

Jan. 27—Bancroft, Whitney & Co., 45 sets pocket Codes 450 00

FLINT, Chairman.

The question being on the adoption of the report of the Committee on Attachés, Contingent Expenses, and Mileage.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—32.

NOES—None.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 245—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 209—An Act to provide for the erection and equipment of a commissary building at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 481—An Act to provide for the purchase of new carpets, draperies and furniture for the Senate and Assembly Chambers, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be allowed to withdraw the same.

Also: Assembly Bill No. 22—An Act to add a new section to the Penal Code, to be distinguished as Section 351½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Also: Assembly Bill No. 33—An Act to authorize agricultural societies to borrow money and secure the payment of the same.

Also: Assembly Bill No. 158—An Act to amend Sections 6, 7, and 8 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1893, and an Act amendatory thereof approved February 18, 1895, and an amendatory Act thereof, approved March 7, 1899.

Have had the same under consideration, and respectfully report the same back, they having been improperly referred to this committee, as they carry no appropriation.

Also: Senate Bill No. 123—An Act appropriating the sum of \$15,000 for the erection in Golden Gate Park, San Francisco, Cal., of a monument or statue to the memory of Colonel E. D. Baker, and appointment of a commission to carry into effect the provisions of this Act.

Also: Senate Bill No. 244—An Act to pay the claim of J. W. Newbert against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 380—An Act concerning a Veteran Volunteer Fireman's Association of California, and to provide for its management and control, and to appropriate money for its support, and relating to the enrollment, formation into fire companies, and services as firemen of such veteran volunteer firemen.

Also: Assembly Bill No. 136—An Act creating a Governor's Mansion Commission, and providing for the construction and furnishing of a mansion for the Governor of the State of California, and appropriating the sum of \$69,500 for the erection and furnishing of said mansion, for the payment of prizes for competitive plans, for supervision of the construction, for clerk hire, for the contingent expenses of said commission, and directing the State Controller to draw warrants upon the fund so appropriated, and directing the State Treasurer to pay said warrants.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 7—An Act for the relief of John Mullan, and to appropriate money therefor.

Also: Senate Bill No. 119—An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum.

Also: Senate Bill No. 197—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund.

Also: Senate Bill No. 467—An Act authorizing the Attorney-General to appoint a competent person to compile and index the opinions of the Attorneys-General of the State of California, and making an appropriation for the payment of such compilation and indexing.

Also: Senate Bill No. 136—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind for the concrete gutting, culverting, and macadamizing of Waring street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, Superintendent of Streets of the

town of Berkeley, California, his authority having been acquired under the general street law of this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DICKINSON, Chairman.

ON FINANCE AND CLAIMS—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: The undersigned members of the Committee on Finance and Claims beg leave to submit a minority report on Assembly Bill No. 136, appropriating money for a Governor's mansion.

We are of the opinion that the great State of California can well afford to build a residence for its Chief Executive that shall be in accord with the dignity of the office, the grandeur of our State, and the large-heartedness of our people.

We therefore respectfully recommend that Assembly Bill No. 136 do pass.

WOLFE.
DOTY.
LEAVITT.
BULLA.
PRISK.

Senate Bills Nos. 245, 481, 123, 244, 380, 7, 119, 467, and 136 ordered on file for second reading.

Assembly Bill No. 136 ordered on special file of Assembly bills.

Assembly Bills Nos. 22, 33, and 158 referred to Committee on Farming, Dairying, and Manufacturing Interests.

WITHDRAWAL OF BILL.

Senator Sims asked for, and was granted, unanimous consent to withdraw Senate Bill No 209—An Act to provide for the erection and equipment of a commissary building at the Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Senate Bill No. 209 withdrawn and ordered stricken from the file.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 90—An Act to amend Section 357 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the marking and branding of domestic animals, and the alteration or defacement of marks and brands on domestic animals.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 90 read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Trout (by request): Senate Bill No. 535—An Act to enable railroad companies to complete their railroads, and authorizing construction of railroads.

Read first time, and referred to Committee on Corporations.

By Senator Stratton: Senate Bill No. 536—An Act to add a new section to the Political Code of the State of California, to be numbered 1118, relating to registration.

Read first time, and referred to Committee on Elections.

Also: Senate Bill No. 537—An Act to amend an Act to establish a

uniform system of county and township governments, approved April 1, 1897, by adding a new section thereto to be numbered Section 19½, giving authority to the Boards of Supervisors with reference to registration.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Luchsinger: Senate Bill No. 538—An Act for the protection and propagation of pheasants.

Read first time, and referred to Committee on Forestry, Fish, and Game.

By Senator Simpson (by request): Senate Bill No. 539—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," as approved March 30, 1878, and as amended by an Act approved March 10, 1887, and again amended by an Act approved March 26, 1895.

Read first time, and referred to Committee on Banks and Banking.

By Senator Leavitt: Senate Bill No. 540—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for Police Courts in cities of 30,000 and under 100,000 inhabitants, and to provide for officers thereof,' approved March 18, 1885, and to provide for clerks of Police Courts in cities of 26,000 and under 50,000 inhabitants," approved March 31, 1891, by inserting a new section, to be numbered 6½, providing for prosecuting attorneys of Police Courts in cities having more than 30,000 and not exceeding 200,000 inhabitants, and prescribing the duties and regulating the compensation of such prosecuting attorneys.

Read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 541—An Act providing for prosecuting attorneys for Police Courts in cities of more than 30,000 and not exceeding 200,000 inhabitants, and prescribing the duties and regulating the compensation of such prosecuting attorneys.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Smith (by request): Senate Bill No. 542—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator La Rue: Senate Bill No. 543—An Act to amend Section 2587 of the Civil Code of the State of California, relative to the contents of an insurance policy.

Read first time, and referred to Committee on Judiciary.

Senator Bulla moved to take up the second reading of bills.

So ordered.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Senate Bill No. 50—An Act to provide for the use of separate ballot-boxes for each political party at primary elections.

Senator Stratton asked for, and was granted, unanimous consent to withdraw Senate Bill No. 50—An Act providing for the use of separate ballot-boxes for each political party at primary elections—and to substitute therefor Senate Bill No. 378—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors, and by the municipal authorities of cities and towns, to railroad corporations of franchises

for the construction of wharves and piers for terminal purposes of such railroad corporations when found necessary, without offering the same for sale, excepting from the operation of this Act any property under the jurisdiction or control of any Board of State Harbor Commissioners.

During the second reading of bill, the following amendments were offered by Senator Stratton:

Amend Section 1, line 22, of the printed bill by inserting after the words "such terminal" the words and figures "not to exceed one thousand (1,000) feet."

Amendment adopted.

Also: Amend the printed bill by striking out of Section 1, lines 23 and 24, the words and figures "not to exceed one thousand (1,000) feet."

Amendment adopted.

Also: Amend Section 1, lines 28 and 29, page 2, by inserting after the words "Harbor Commissioners" in such lines the following: "All of the provisions of this chapter not in conflict with anything in this section contained are hereby made applicable to all proceedings had under this section."

Amendment adopted.

Also: Amend by striking out of the title the word "the" before the word "Senate," and the word "the" before the word "Assembly."

Amendment adopted.

Also: Amend by inserting before the words "The Boards," on line 4 of page 1 of the printed bill, the following word and figures: "Section 2921."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Passed on file.

Senate Bill No. 78—An Act to open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Passed on file.

Senate Bill No. 20—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for nonuser of corporate powers.

Passed on file.

Senate Bill No. 213—An Act for the relief of W. C. Guirey.

During the second reading of bill, the following amendment was offered by Senator Simpson:

Amend by inserting before Section 1 the following words: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Ordered to print and engrossment.

Senate Bill No. 156—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian.

Senator Boyce asked unanimous consent to withdraw Senate Bill No. 156—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian and substitute therefor Senate Bill No. 36.

RESOLUTION—(OUT OF ORDER).

Pending the discussion, Senator Boyce offered the following resolution:

Resolved, That any Senator may substitute one of his own bills for another of his own bills on same file; *provided*, that upon the objection of any Senator the substitute bill shall not be put to a vote until the next legislative day.

POINT OF ORDER.

During the discussion on the adoption of the resolution, Senator Smith raised the point of order that the resolution proposed changed the rules, which proposed change, under the rules, must be referred to the Committee on Rules and Revision.

The President pro tem. declared the point of order well taken.

MOTION TO SUSPEND THE RULES.

Senator Leavitt moved that the rules be suspended, and that the resolution be now considered.

The question being on the adoption of the motion to suspend the rules.

The roll was called, and suspension of the rules refused by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Chapman, Currier, Cutter, Davis, Dwyer, Feeney, Hoey, Leavitt, Maggard, Morehouse, Prisk, Shortridge, Simpson, and Stratton—17.

NOES—Senators Bettman, Braunhart, Burnett, Curtin, Dickinson, Doty, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Nutt, Pace, Rowell, Sims, Smith, Taylor, and Trout—20.

The question then recurring to the resolution, the same was read and referred to Committee on Rules and Revision.

Senator Burnett moved that Senate Bill No. 156 be passed on file, but to retain place on file.

So ordered.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 169—An Act to provide for the appointment of State detectives; to establish their duties, and to provide for the payment of their salaries.

Passed on file.

Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Passed on file, but to retain place on file.

Senate Bill No. 173—An Act amending Section 1042 of the Penal Code of the State of California, concerning the mode of trial in criminal cases.

Passed on file, but to retain place on file.

Senate Bill No. 260—An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the

time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, the deputy clerks, and the stenographer of the Clerk of the Supreme Court.

Passed on file, but to retain place on file.

Senate Bill No. 261—An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court.

Passed on file, but to retain place on file.

Senate Bill No. 128—An Act to amend Sections 537 and 539 of the Code of Civil Procedure, relating to attachments.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after first line 21, page 2, the following:

"Sec. 2. Section five hundred and thirty-eight of the Code of Civil Procedure is hereby amended to read as follows:

"538. The clerk of the court must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff, showing: 1. That the defendant is indebted to the plaintiff, specifying the amount of such indebtedness, over and above all legal set-offs or counter-claims, upon a contract, express or implied, for the direct payment of money, and that such contract was made or is payable in this State, and that the payment of the same has not been secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, that such security has, without any act of the plaintiff, or of the person to whom the security was given, become valueless; or

"2. That the defendant is indebted to the plaintiff, specifying the amount of such indebtedness, over and above all legal set-offs or counter-claims, and that the defendant is a non-resident of the State; or

"3. That the defendant has committed a tort upon or against the person or property of the plaintiff, and that the defendant is absent from or not residing in this State; and

"4. That the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after "537" the figures "538" in the title, page 1, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the figure "2," on line 1, Section 2, page 2, printed bill, and inserting in lieu thereof the figure "3."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 217—An Act amending Section 2 of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 30, 1874, relating to the taking of samples from mines, and for the better protection of stockholders in mining corporations.

Read second time, and ordered to engrossment.

Senate Bill No. 265—An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations.

During the second reading of bill, the following amendment was offered by Senator Ashe:

Amend by inserting "Section 1" before the words "Section three hundred and two," after the enacting clause, and striking out the word and figure "Section 1" on line 1 of first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 266—An Act to amend Section 317 of the Civil Code, relating to the validity of the meetings of corporations.

During the second reading of bill, the following amendment was offered by Senator Ashe:

Amend by inserting "Section 1" before the words "Section three hundred and seventeen," after the enacting clause, and striking out the word and figure "Section 1" on line 1 of first page of printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem. announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 10, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—37.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt,

Meserve, Milice, Miller of Los Angeles, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—76.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Thursday, February 9, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, February 9, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.
For William T. Jeter—Senator Hall—1.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	4 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	10 votes.
William T. Jeter received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Anderson, Arnerich, Clough, Knights, Knowland, and Lardner—6.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelsey, Kenneally, Lundquist, McKeen, Pierce, Rickard, Eugene Sullivan, and Wright—17.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De

Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—18.

For James D. Phelan—Mr. Burnett—1.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	75
W. H. L. Barnes received	6 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	18 votes.
James D. Phelan received	1 vote.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	112
Necessary to a choice	57
W. H. L. Barnes received	10 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	24 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	26 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	28 votes.
William T. Jeter received	1 vote.
James D. Phelan received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-four minutes P. M., on motion of Assemblyman Radcliff, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Saturday, February 11, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

MOTIONS.

Senator Boyce moved that Substitute for Senate Bill No. 36—An Act

to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools—be ordered to print.

So ordered.

Senator Davis moved that Substitute for Senate Bill No. 281—An Act to amend an Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed, approved March 26, 1895—be ordered to print.

So ordered.

Senator Laird moved that Substitute for Senate Bill No. 227—An Act making an appropriation to pay the unpaid claims for bounty on coyote scalps—be ordered to print.

So ordered.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Taylor, and Trout—32.

Quorum present.

LEAVE OF ABSENCE.

Leave of absence was granted the Committee on Education and Public Morals until three o'clock and thirty minutes P. M. of this day, on motion of Senator Boyce.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 45—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Passed on file.

Assembly Bill No. 243—An Act conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

Read third time.

The question being on the final passage of Assembly Bill No. 243.
The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Brauhart, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts and protection districts for nonuser of corporate powers.

Read third time.

The question being on the final passage of Assembly Bill No. 103.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bulla, Burnett, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Luchsinger, Nutt, Prisk, Sims, Taylor, Trout, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 132—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

Passed on file.

Assembly Bill No. 118—An Act to regulate the practice of horse-shoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

Passed on file.

Assembly Bill No. 149—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Read third time.

The question being on the final passage of Assembly Bill No. 149.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, and Taylor—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 265—An Act to amend Section 594 of the Code of Civil Procedure, relating to the manner of bringing an issue to trial.

Read third time.

The question being on the final passage of Assembly Bill No. 265.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Morehouse, Prisk, Shortridge, Sims, Smith, and Taylor—23.
NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 329—An Act to amend Section 3453 of the Political Code.

Read third time.

The question being on the final passage of Assembly Bill No. 329.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Taylor, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments and to include propositions.

Passed on file.

Assembly Bill No. 117—An Act to amend Section 456 of the Civil Code.

Passed on file.

Assembly Bill No. 145—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the land owners before the Commissioners of Assessment in relation to such assessment.

Read third time.

The question being on the final passage of Assembly Bill No. 145.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Sims, Taylor, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

Senator Dickinson moved that Assembly Bill No. 287—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, the deputy clerks, and the stenographer of the Clerk of the Supreme Court."

Also: Assembly Bill No. 288—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court"—be made a special order for three o'clock and thirty minutes P. M. of this day.

So ordered.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 308—An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V of the Political Code, relating to the State Library.

During the second reading of bill, the following amendment was offered by Senator Bulla:

Amend Section 2 by striking out subdivisions 1, 2, 3, 4, 5, 6, 7, and 8 of Section 2293, on lines from 5 to 19, both inclusive, on page 2 of the printed bill, and inserting in lieu thereof the following: "(1) To make rules and regulations not inconsistent with law for its government and for the government of the library. (2) To appoint a Librarian, who shall designate one of his deputies as chief deputy. (3) Whenever necessary, to authorize the Librarian to appoint an additional deputy. (4) To sell or exchange duplicate copies of books. (5) To keep in order and repair the books and property in the library. (6) To draw from the State Treasury, at any time, all moneys therein belonging to the Library Fund. (7) To report to the Governor biennially a statement of its transactions."

Amendment adopted.

Read second time, ordered to print and third reading.

Substitute for Assembly Bill No. 30—An Act to amend Sections 2579, 2588, 2589, 2590, 2591, and 2605 of the Political Code, approved March 12, 1872, relating to the powers and duties of the Board of State Harbor Commissioners for the Bay of San Diego.

Read second time, and ordered to third reading.

Assembly Bill No. 301—An Act to amend an Act entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, by amending Sections 1 and 2 thereof.

Read second time, and ordered to third reading.

Assembly Bill No. 302—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.

During the second reading of bill, the following amendment was offered by Senator Morehouse:

Amend by striking out the figure "7," on page 4, and inserting the figure "6."

Amendment adopted.

Bill ordered to print and third reading.

NOTICE OF MOTION TO RECONSIDER.

Senator Cutter gave notice that he would on next legislative day move to reconsider the vote whereby Assembly Bill No. 145 was finally passed.

At three o'clock and five minutes P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Assembly Bill No. 273—An Act to amend Sections 2, 3, 4, and 5 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Amend by striking out the word "conclusive," on line 120, Section 3, sixth page, printed bill, and inserting in lieu thereof the words "prima facie."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "hereinafter," on line 51, seventh page, printed bill, and inserting in lieu thereof the word "herein."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "three dollars," on line 121, ninth page, printed bill, and inserting in lieu thereof the words "fifty cents."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "three dollars," on line 123, ninth page, printed bill, and inserting in lieu thereof the words "fifty cents."

Amendment adopted.

At three o'clock and twenty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Bill ordered to print and third reading.

Assembly Bill No. 366—An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof.

During the second reading of bill, the following amendments were offered by Senator Taylor:

Amend by striking out all the words after the word "war," on line 13, Section 2; all of lines 14, 15, and 16, Section 2, and the words "which he shall labor more than eight hours," on line 17, Section 2.

Amendment adopted.

Also: Amend by striking out of Section 2 lines 17 to 32.

Amendment adopted.

Bill ordered to print and third reading.

Assembly Bill No. 229—An Act to select and adopt the "golden poppy" as the State flower of California.

Read second time, and ordered to third reading.

SPECIAL ORDER RESET.

Senator Dickinson moved that the special order set for this hour, being the consideration of Assembly Bills Nos. 287 and 288, be postponed and reset as a special order for Saturday morning, February 11, 1899, immediately after reading of the Journal.

So ordered.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills were introduced:

By Senator Doty: Senate Bill No. 544—An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor; and to prescribe the punishment for a violation of the game laws of the State."

Read first time, and referred to Committee on Forestry, Fish, and Game.

By Senator Wolfe: Senate Bill No. 545—An Act authorizing the appropriation of moneys by the several counties, and cities and counties, and

the municipal corporations, for the purpose of advancing and maintaining their respective interests by exhibit of products and otherwise at the Pacific Ocean and International Exposition.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 546—An Act appropriating money to pay the expenses of maintaining an exposition to be held in the City and County of San Francisco in 1901, to be known as the Pacific Ocean and International Exposition, and to provide commissioners therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Morehouse: Senate Bill No. 547—An Act making an appropriation to pay the claim of J. E. Edson.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 548—An Act to amend Section 857 of the Civil Code of the State of California, relating to the creation of express trusts.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 549—An Act to amend Section 1313 of the Civil Code, relating to charitable bequests and devises.

Read first time, and referred to Committee on Judiciary.

By Senator Currier: Senate Bill No. 550—An Act authorizing and directing refund to parties, their attorneys, their heirs and assigns, of unconsumed portions of money deposited as security for costs in actions and proceedings in the District Courts and Superior Courts of this State, under an Act approved March 5, 1870.

Read first time, and referred to Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 551—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 552—An Act to appropriate the sum of \$25,000 to pay the claim of Claus Spreckels, for money due and owing to the said Claus Spreckels from the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Bettman: Senate Bill No. 553—An Act to amend Section 305 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to corporations.

Read first time, and referred to Committee on Judiciary.

By Senator Flint: Senate Bill No. 554—An Act to provide for the appointment of a Board of Colton Hall Property, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Read first time, and referred to Committee on Finance and Claims.

By Senator Currier: Senate Bill No. 555—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Sections 852, 862, 874, and 875 thereof.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Morehouse: Senate Bill No. 556—An Act to authorize counties, cities and counties, cities, or towns to pay the fees and compensations provided by law to be paid to any officer or person charged with the duty of performing such services, when the same have been performed, and compensation by misconstruction or mistake of law, without such claimant's fault, has been denied him.

Read first time, and referred to Committee on Judiciary.

By Senator Laird: Senate Bill No. 557—An Act to amend an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897, by amending Section 5 thereof.

Read first time, and referred to Committee on Roads and Highways.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as and numbered Section 2664, relating to highway taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

Also: Senate Bill No. 374—An Act to amend Section 2653 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTER, Chairman.

Senate Bills Nos. 373 and 374 ordered on file for second reading.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 461—An Act authorizing the Governor and Attorney-General to purchase for the State of California certain lands in Humboldt Bay, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance and Claims.

MAGGARD, Chairman.

Senate Bill No. 461 referred to Committee on Finance and Claims.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 23—An Act to add a new section to the Penal Code, to be designated as Section 3543½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Also: Assembly Bill No. 52—An Act to reduce the Judges of the Superior Court of San Bernardino County to one.

Also: Assembly Bill No. 61—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers, within municipalities," approved March 18, 1888, by adding thereto a new section, to be known as Section 6½, relating to securing claims for labor done and material furnished for improvements under said Act.

Also: Assembly Bill No. 97—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Assembly Bill No. 98—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' and other liens upon real property.

Also: Assembly Bill No. 113—An Act to amend Section 1050 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 163—An Act to amend Section 1033 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service and affidavit of bill of costs and motion to retax same.

Also: Assembly Bill No. 207—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Also: Assembly Bill No. 400—An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures.

Also: Senate Bill No. 369—An Act to amend Section 1880 of the Political Code of the State of California, relating to the issue of bonds of school districts.

Also: Senate Bill No. 166—An Act to amend Section 2924 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, defining mortgages.

Also: Senate Bill No. 440—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 and 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

Also: Senate Bill No. 471—An Act to amend Section 2021 of the Code of Civil Procedure, relating to the manner of taking depositions within this State.

Also: Senate Bill No. 473—An Act to provide for redeeming property sold to the State for delinquent taxes for years prior to 1893, and for the payment of delinquent taxes for such years, and providing for deeds to be issued upon all property sold to the State for such years, which has not been redeemed; and authorizing suit to be brought for enforcing the lien for delinquent taxes for such years, and requiring individual purchasers to procure tax deeds or relinquish their right to property purchased at tax sales, and providing that the Act shall apply to cities.

Also: Senate Bill No. 508—An Act to amend Section 553 of the Code of Civil Procedure. Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 97—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Also: Senate Bill No. 85—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Also: Senate Bill No. 507—An Act to repeal an Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges, approved March 2, 1897.

Also: Assembly Bill No. 25—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Also: Assembly Bill No. 44—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State.

Also: Assembly Bill No. 85—An Act to prevent the blacklisting of employes.

Also: Assembly Bill No. 96—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens for mechanics and others upon real property.

Also: Assembly Bill No. 24—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 32—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Also: Senate Bill No. 171—An Act to amend Section 1 of an Act entitled "An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns," approved March 9, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 177—An Act authorizing District Attorneys to bring suits to abate public nuisances.

Also: Senate Bill No. 63—An Act to amend Section 1227 of the Civil Code of the State of California.

Also: Senate Constitutional Amendment No. 5—Proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be known and designated as Section 7½, Article II thereof, providing for the framing by inhabitants of counties of local county government acts for their own government.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Constitutional Amendment No. 4—Proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be known and designated as Section 2½, Article II, thereof, concerning primary elections—Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GILLETTE, Chairman.

Assembly Bills Nos. 23, 52, 61, 97, 98, 113, 163, 207, 400, 25, 44, 85, 96, 24, 177, and 32 ordered on special file of Assembly bills.

Senate Bills Nos. 166, 440, 471, 473, 508, 369, 97, 85, 507, 63, and 171 ordered on file for second reading.

Senate Constitutional Amendments Nos. 4 and 5 ordered on file.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was

referred Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

Also: Senate Bill No. 385—An Act to prohibit the selling of pools and book-making on any trial or contest of skill, speed, or power of endurance of horses, except within the race track inclosure or fair ground wherein such trial or contest shall be had and occur, and to provide a punishment therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

BOYCE, Chairman.

Senate Bills Nos. 419 and 385 ordered on file for second reading.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Assembly Bill No. 158—An Act to amend Sections 6, 7, and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and an amendatory Act thereof, approved March 7, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NUTT, Chairman.

Assembly Bill No. 158 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage to whom was referred the following resolution:

Resolved, That the Special Committee on Finance and Public Buildings be reimbursed for expenditures actually incurred for traveling expenses, amounting to \$54, on their trip of inspection to the Home of the Feeble-Minded, at Glen Ellen, and that the Controller be directed to draw his warrant for the amount, to be charged to the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the resolution reported by the Committee on Attachés, Contingent Expenses, and Mileage.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Nutt, Prisk, Shortridge, Simpson, and Wolfe—22.

NOES—None.

RESOLUTION—(OUT OF ORDER).

Senator Ashe offered the following resolution:

Resolved, That Mrs. F. M. Ott be and she is hereby appointed stenographer and clerk to the Committee on County Government and Township Organization, at the same per diem as is paid to the other stenographers of the Senate, payable from the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT No. 6.

Senator Wolfe moved that Assembly Constitutional Amendment No. 6 be now considered.

So ordered.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 6.

To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII by adding a new section thereto, to be known as Section 1½, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the 2d day of January, 1899, two thirds of all members elected to each house concurring, hereby proposes that Article XIII of the Constitution of said State be amended by adding thereto a new section, to be known as Section 1½, which shall read as follows, to wit:

Section 1½. All buildings, and so much of the real property on which they are situated, as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, shall be free from taxation; *provided*, that no building so used, which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

Assembly Constitutional Amendment No. 6 read.

The question being on the adoption of Assembly Constitutional Amendment No. 6.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Luehsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—29.
NOES—None.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

The bill having been read third time on a previous day.

Senator Dickinson moved that Senator Chapman be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 2, lines 6 and 7, the words "or of which it has such information."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

CHAPMAN, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 10, 1899. }

To the Senate of the State of California:

I have the honor to state to your honorable body that claims have been presented to the Board of Examiners by numerous newspapers for various sums of money for the publication of the constitutional amendments submitted to the people of California at the last general election, some of which are as follows:

San Francisco Call, \$6,900; Examiner, \$7,170 48; Chronicle, \$3,450; California Democrat, \$2,500; Herald Publishing Company, San José, \$1,160; San Diego Vidette Publishing Company, \$1,000; L'Italia, \$2,100; San Francisco Report, \$2,500; Argus Publishing Company, Alameda, \$1,000; Mercury Publishing and Printing Company, San José, \$1,000; Sacramento Bee, \$1,184 63; Tribune Publishing Company, Oakland, \$2,160; San Francisco Abend-Post, \$1,000; San Francisco Evening Post, \$2,500; and other newspaper claims in different sums, in all aggregating upward of \$69,000.

These claims have all been disallowed by the Board of Examiners because, among other reasons, in the opinion of the board, they were not authorized by any existing law.

Many of these claims are for publications made without any authorization therefor, these claimants relying upon the generosity of the State to pay for the publications made. The other claimants rely upon the fact that my distinguished predecessor authorized the publications. The authorizations were made apparently under the statute entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883 (Statutes of 1883, page 53).

The law at the time of the alleged arrangements between my predecessor and some of the claimants does not seem to warrant the action taken in that behalf.

The Act approved March 7, 1883, declares it shall be the duty of the Governor to advertise such proposed amendments in at least four newspapers of general circulation in this State for three months next preceding the general election, when "*no other mode is provided by law.*"

At the time my predecessor proceeded under the Act of 1883, there was another "mode provided by law," namely, by Sections 1194 and 1195 of the Political Code of California, which are as follows:

"Section 1194. At least fifteen days before an election to fill any public office, the County Clerk of each county shall cause to be sent to the chairman of the county committee of each organized political party of each county the nominations to office certified to him by the Secretary of State, and also all those filed with the County Clerk. In all counties where a new registration shall take place preceding the next ensuing election, the County Clerk shall cause the name of each voter, as enrolled, to be addressed upon an envelope, and also the number of the residence of said voter, or the correct post office address of said voter, as the same is written on said register, and which name and address shall be written on the envelope at the time that each voter is duly registered thereon. All of said envelopes shall be securely kept by the said County Clerk, and, ten days before election to fill any public office, he shall cause to be folded and placed in said envelope, for mailing, sample ballots containing the nominations to office certified to him by the Secretary of State, and also all those filed with the County Clerk, each of which shall be inclosed in said envelope, and cause the same to be mailed in the United States post office as printed matter, for delivery to each of said voters. The mailing of all of said envelopes containing sample ballots, as aforesaid, shall commence at least ten days before the time of election to fill any public office, as aforesaid, and continue so that all of said envelopes containing said sample ballots shall have been mailed at least three whole days before the day of election to fill any public office, as above provided. If a new registration does not take place in any county preceding the next ensuing election, the County Clerk shall cause envelopes to be addressed to each voter, together with the number of the residence of said voter, or correct post office address, as the same appears upon the register corrected at that time, as the law provides, and cause to be inclosed therein the nominations to office certified to him, as aforesaid, and cause the same to be mailed in the manner and within the time as above provided. The clerk or the secretary of the legislative body of any incorporated city or town with whom the names of any candidates have been filed, shall mail, in the United States post office, envelopes addressed to each voter, together with the sample ballots inclosed therein, the list of nominations filed with him, in the same manner as the lists of nominations mailed by the County Clerk, as provided in this section."

"Section 1195. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the State for the popular vote, the Secretary of State shall duly, and not less than twenty-five days before election, certify the same to the Clerk of each county of the State, and the Clerk of each county shall include the same in publication provided for in Section 1194 of this Code."

At the time Section 1195 was amended, the said section then, as well as now, referred to Section 1194 "as though it had been inserted therein *in extenso*"; and then the language of Section 1194 was as follows:

"Section 1194. At least ten days before an election to fill any public office, the County Clerk of each county shall cause to be published, in at least two newspapers of general circulation within the county, the nominations to office certified to him by the Secretary of State, and also all those filed with the County Clerk. He shall make not less than

two such publications in each of such newspapers before election day, one of such publications being made upon the last day upon which such newspaper is issued before the day of election. The list of nominations published by the County Clerks of the respective counties shall be arranged in the order and form in which they will be printed upon the ballot. The clerk or the secretary of the legislative body of any incorporated city or town with whom the names of any candidates have been filed, shall publish in the same manner the lists of nominations filed with him; but where only one newspaper is printed in any county, city, or town, then publication in such newspaper shall be deemed sufficient; and where no newspaper is printed in such county, city, or town, publication shall be made through any newspaper designated by the Board of Supervisors of said county, or the legislative body of such city or town, and by posting copies of the ballot in three of the most public places in such county, city, or town, not less than ten days before the day of election."

In this connection, perhaps, it would not be amiss to bear in mind the rule of statutory construction laid down in *People vs. Whipple*, 47 Cal. 592, and in many other cases, as well as those principles of law carried into various provisions of our Codes.

The acts of my predecessor authorizing the publications, took place in 1898, when, as now, Sections 1194 and 1195 were in force.

I have examined several of the largest of these claims presented, and find them, with one exception, very excessive.

I know of no provisions of the law by which any of these claimants can be protected in any fair and honest demands which may be presented.

I therefore submit these claims to your honorable body for such fair and equitable adjustment as they may respectfully require.

I respectfully suggest that if appropriations be made, that they should be incorporated in separate bills.

HENRY T. GAGE,
Governor of the State of California.

MOTION TO RECONSIDER.

Senator Dickinson moved to reconsider the vote whereby Assembly Bills Nos. 287 and 288 were made special order for Saturday, February 11, 1899, after reading of Journal.

Motion to reconsider carried by unanimous vote.

Senator Dickinson moved that Assembly Bills Nos. 287 and 288 be now considered.

So ordered.

Assembly Bill No. 287—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, the deputy clerks, and the stenographer of the Clerk of the Supreme Court."

Bill having been read third time on a previous day.

The question being on the final passage of Assembly Bill No. 287.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feenev, Flint, Gillette, Hall, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Taylor, Trout, and Wolfe—29

*NOES—Senators La Rue, Rowell, Sims, and Smith—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 288—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court."

Bill having been read third time on a previous day.

The question being on the final passage of Assembly Bill No. 288.

The roll was called, and the bill finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin,

Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Taylor, Trout, and Wolfe—27.
N~~O~~ES—Senators La Rue, Rowell, Sims, and Smith—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Laird, in accordance with his notice given on February 9, 1899, moved that the vote whereby Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California—was on a previous day refused passage, be reconsidered.

The roll was called, and the motion to reconsider the vote whereby Senate Bill No. 476 was passed, carried by the following vote:

A~~Y~~ES—Senators Ashe, Bettman, Brauhart, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Gillette, Hall, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Sims, Taylor, Trout, and Wolfe—24.

N~~O~~ES—Senators La Rue, Rowell, and Smith—3.

Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Senator Laird moved that Senator Curtin be appointed a special committee of one to amend the bill as follows:

Amend by striking out all of lines 19, 20, 21, and 22, Section 1, page 2, after the words "next above."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California—with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

SPECIAL ORDER.

Pending the adoption of the report of the special committee of one, Senator Dickinson moved that further consideration of Senate Bill No. 476 be made a special order for Tuesday, February 14, 1899, immediately after reading of the Journal.

So ordered.

LEAVE OF ABSENCE.

Senator Leavitt was granted leave of absence for Saturday, February 11, 1899, on his own motion.

Senator Hoey was granted leave of absence for Saturday, February 11, 1899, on his own motion.

Senator Doty was granted leave of absence for Saturday, February 11, 1899, on his own motion.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Senator Davis moved that Senator Bulla be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, lines 1, 2, and 3, the words "whenever a proposed constitutional amendment or other question is to be submitted to the people of the State for the popular vote," and inserting in lieu thereof the following: "whenever the Legislature shall propose any amendment or amendments to the Constitution of this State, which amendment or amendments shall have been passed in the manner required by Section 1 of Article XVIII of the Constitution, or whenever said Legislature shall submit any proposition to a vote of the qualified electors of the State."

Also: By striking out of Section 1, lines 7 and 8, the words "the Clerk of each county shall cause to be printed and," and inserting in lieu thereof the following: "Shall cause to be printed at the State Printing Office, in convenient form, one and one half times as many copies of such amendment or amendments or proposition as there are registered voters in the State, and at least thirty days before any election, at which such amendment, or amendments, or proposition is to be voted on, shall furnish each County Clerk in the State with one and one half times as many such copies as there are registered voters in his county. The Clerk of each county shall thereafter cause to be."

Also: By striking out of Section 1, line 9, the word "question" and inserting the word "proposition."

Also: By adding at the end of Section 1, the words "or authorized."

Also: By striking out the words, "or amendments" after the word "amendment" wherever the same occur in the bill.

Senator Dickinson moved that further consideration of Senate Bill No. 421 be made a special order for Tuesday, February 14, 1899, after reading of the Journal.

The question being on the adoption of the motion.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bettman, Boyce, Curtin, Dickinson, Dwyer, Flint, Jones, Laird, La Rue, Morehouse, Pirk, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—17.

NOES—Senators Ashe, Brauhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Feeney, Gillette, Luchsinger, Nutt, Rowell, and Sims—14.

At four o'clock and fifty minutes P. M., Senator Simpson moved to adjourn.

Motion lost.

The question being on the motion of Senator Davis to refer to special committee of one.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 421—An Act to amend Section 1195 of the Political Code—with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Senator Smith moved to amend by offering a substitute for report of the special committee of one.

POINT OF ORDER.

Pending the reading of the substitute, Senator Bulla raised the point of order that a substitute cannot be offered for the report of a special committee of one.

The President pro tem. decided the point of order well taken.

The question being on the report of the special committee of one.

The same was adopted.

ADJOURNMENT.

At five o'clock and five minutes P. M., on motion of Senator Cutter, the Senate was declared adjourned until ten o'clock A. M. of Saturday, February 11, 1899.

IN SENATE.

SENATE CHAMBER, }
Saturday, February 11, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Dwyer, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, and Trout—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Friday, February 10, 1899, was read.

The Journals of Tuesday, February 7, and Wednesday, February 8, 1899, were approved.

LEAVE OF ABSENCE.

Senator Flint was granted leave of absence until twelve o'clock M., Monday, February 13, 1899, on motion of Senator Luchsinger.

Senator Stratton was granted leave of absence for the day, on motion of Senator Taylor.

Senator Curtin was granted leave of absence for the day, on motion of Senator Smith.

RECALL OF BILL FROM THE ASSEMBLY.

Senator Cutter moved that Assembly Bill No. 145—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessment in reclamation districts, and to provide for a hearing of the land owners before the Commissioner of Assessment, in relation to such assessment—be recalled from the Assembly for the purpose of reconsideration.

So ordered.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

Senator Cutter moved that his notice of motion of Friday, February 10, 1899, to reconsider the vote whereby Assembly Bill No. 145—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessment in reclamation districts, and to provide for a hearing of the land owners before the Commissioner of Assessment, in relation to such assessment—was finally passed, be postponed until Monday, February 13, 1899.

· Motion carried by unanimous vote.

PETITIONS.

Senator Cutter presented the following petition, which was ordered printed in the Journal, down to and including the first six names:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Grafton, in the County of Yolo, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

P. BECK.
W. SNOWBALL.
W. HYATT.
MRS. R. I. PIERCE.
MRS. A. BROKAW.
MRS. SIPLE.

And two hundred and seven others.

Senator Simpson presented similar petitions, containing seven hundred and fourteen names, from the Counties of Orange, Santa Clara, Los Angeles, Santa Barbara, and Riverside, California.

Senator Morehouse presented a similar petition, containing thirteen hundred and three names, from San José, County of Santa Clara, California.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 670—An Act making an appropriation for the support of the State Printing Office.

Also: Assembly Bill No. 420—An Act to add a new section to the Political Code, to be known as Section 1890, relating to fire-escapes on school buildings

Also: Assembly Bill No. 28—An Act to amend Section 1086 of the Code of Civil Procedure, relating to the writ of mandate.

Also: Assembly Bill No. 354—An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.

Also: Assembly Bill No. 358—An Act to amend Section 407 of the Code of Civil Procedure of the State of California, relating to summonses.

Also: Adopted Assembly Joint Resolution No. 17—Restricting immigration of Japanese laborers, etc.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 7—Relative to dispatch to our soldiers in Manila

Also: Passed Senate Bill No. 37—An Act making an appropriation to pay the claim of F. P. Otis for costs of suit in foreclosing delinquent purchases of State school lands.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Joint Resolution No. 17 referred to Committee on Federal Relations.

Assembly Bill No. 670 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 420 read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Assembly Bill No. 28 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 354 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 358 read first time, and referred to Committee on Judiciary.

Senate Concurrent Resolution No. 7 and Senate Bill No. 37 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 499—An Act entitled "An Act to prohibit the manufacture, or sale, or operation of any mechanical device, or machine, known as a slot machine, within the State of California."

Also: Assembly Bill No. 261—An Act to amend the Penal Code by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of secret societies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 98—An Act to amend Sections 1 and 3 of an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 306—An Act to prevent Sabbath desecration, and to secure a weekly rest day.

WHEREAS, "Christianity is the common law of the land;" and as the people of the State generally regard the Christian Sabbath, or the first day of the week, as sacred to religious worship, and because the best interests of the State are conserved by Christian morality, which is inseparably connected with the proper observance of the Sabbath.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Senate Bill No. 219—An Act to amend Sections 1577, 1579, 1581, and 1595 of the school law—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the bill.

BOYCE, Chairman.

Senate Bills Nos. 499, 98, 306 and 219 ordered on file for second reading.

Assembly Bill No. 261 ordered on special file of Assembly bills for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 399—An Act adding a new section to the Civil Code of the State of California, to be known as Section 1314.

Also: Senate Bill No. 401—An Act to amend Section 3818 of the Political Code, said section relating to public lands, and revenue and taxation.

Also: Senate Bill No. 405—An Act to repeal Section 3840 of the Political Code of California.

Also: Senate Bill No. 414—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Also: Senate Bill No. 441—An Act to amend Section 416 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the fees to be collected by the Secretary of State for services rendered by him in his official capacity.

Also: Senate Bill No. 487—An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653½, relating to the fees charged by employment agencies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 442—An Act to amend Section 949 of the Code of Civil Procedure, relating to what cases wherein an appeal stays proceedings.

Also: Senate Bill No. 465—An Act to amend Section 1170 of the Penal Code of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 393—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape and what constitutes the same.

Also: Senate Bill No. 411—An Act to amend Section 1857 of the Political Code, relating to public schools.

Also: Senate Bill No. 413—An Act to regulate the purchase, sale, and transfer of stocks of goods, wares, and merchandise in bulk.

Also: Senate Bill No. 439—An Act to amend Section 726 of the Code of Civil Procedure, relating to foreclosure of mortgages.

Also: Senate Bill No. 449—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 170 thereof, relating to the disqualification of Judges of the Superior Court of the State of California to sit or act on the trial or hearing of certain actions or proceedings.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Constitutional Amendment No. 17—Relative to amending Section 1 of Article IV of the Constitution of the State of California, relating to legislative power.

Also: Senate Bill No. 454—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the obligations of the employer.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be permitted to withdraw.

GILLETTE, Chairman.

Senate Bills Nos. 399, 401, 405, 414, 441, 487, 442, 463, 393, 411, 413, 439, and 449 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Ashe asked unanimous consent to withdraw Senate Bill No. 454—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the obligations of the employer.

Consent granted.

Senate Bill No. 454 withdrawn, and ordered stricken from the file.

WITHDRAWAL OF SENATE CONSTITUTIONAL AMENDMENT.

Senator Bulla asked unanimous consent to withdraw Senate Constitutional Amendment No. 17—Relative to amending Section 1 of Article IV of the Constitution of the State of California, relating to legislative power.

Consent granted.

Senate Constitutional Amendment No. 17 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 11, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition in 1900. Also for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Also: Senate Bill No. 196—An Act making an appropriation to pay the claim of Olive R. Chapman, arising upon a judgment recovered against the State of California, in the Superior Court of the City and County of San Francisco, on August 8, 1895.

Also: Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 285—An Act to appropriate money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Also: Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Also: Senate Bill No. 347—An Act authorizing the Secretary of State to furnish his office and the vault connected therewith, and making an appropriation therefor.

Also: Senate Bill No. 422—An Act appropriating money for the repair and improvement of the buildings and grounds at the Industrial Home of Mechanical Trades for the Adult Blind.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 302—An Act to create a special fund to be known as the "State Débris Construction Fund," and to transfer from the General Fund to such State Débris Construction Fund the sum of \$250,000.

Also: Senate Bill No. 529—An Act making an appropriation to pay the claim of John J. Snyder for costs of suit in foreclosing delinquent purchases of State school lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by author-

izing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass for the amount named in the bill.

DICKINSON, Chairman.

Assembly Bill No. 62 ordered on special file of Assembly bills.

Senate Bills Nos. 196, 207, 285, 318, 347, 422, 302, 529, and 210 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897.

Also: Senate Bill No. 152—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease.

Also: Senate Bill No. 49—An Act to amend Sections 1083, 1094, 1095, 1096, 1097, 1101, 1103, 1105, 1113, 1115, 1116, 1130, 1204, 1261, and to repeal Sections 1098, 1099, 1100, 1104, 1114 of the Political Code.

Also: Examined the following: Senate Bill No. 91—An Act to prevent deception in the sale of process or renovated butter

Also: Senate Bill No. 109—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd by the State Board of Examiners, and to appropriate money therefor.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 10th day of February, 1899, at two o'clock and fifteen minutes P. M.

JONES, Chairman.

Senate Bills Nos. 5, 152, and 49 ordered on third-reading file.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 11, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Assembly Bill No. 156—An Act for the protection of horticulture, and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NUTT, Chairman.

Assembly Bill No. 156 ordered on special file of Assembly bills for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 183—An Act requiring the making and recording of maps of cities, towns, and additions to cities and towns, and subdivisions of lands into small lots, or tracts, for the purpose of sale, providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded, and providing for the recording of maps now on file in Recorder's office—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

TAYLOR, Chairman.

Committee Substitute for Senate Bill No. 183 ordered on file for second reading.

WITHDRAWAL OF ASSEMBLY BILL FROM COMMITTEE.

On motion of Senator Rowell, Assembly Bill No. 528 was recalled from Committee on Education and Public Morals, and placed on special file of Assembly bills for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Smith: Senate Bill No. 558—An Act making an appropriation to pay the claim of the Daily Morning Union for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Prisk: Senate Bill No. 559—An Act making an appropriation to pay the claim of the Sierra Valley Record for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 560—An Act making an appropriation to pay the claim of the National Bulletin for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 561—An Act making an appropriation to pay the claim of the Mountain Messenger for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 562—An Act making an appropriation to pay the claim of the Daily Transcript for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Ashe: Senate Bill No. 563—An Act to amend Section 623 of the Penal Code, relative to injuring or destroying works of literature, art, mechanics, or objects of curiosity deposited in any public library, gallery, museum, collection, fair or exhibition, and punishment therefor.

Read first time, and referred to Committee on Judiciary.

By Senator Currier: Senate Bill No. 564—An Act to provide for the inspection of illuminating oils, manufactured from petroleum or coal oils.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

By Senator Braunhart: Senate Bill No. 565—An Act to appropriate the sum of \$575 to pay the claim of James H. Barry for money due and owing to the said James H. Barry from the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Boyce: Senate Bill No. 566—An Act to create a State Board of Control and to provide for the management and control of the charitable, reformatory, and penal institutions of the State, other than State prisons, and to provide for supervisory powers over said State institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor.

Read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Senator Bulla moved that the second reading of bills be now considered.

So ordered.

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Passed on file, in absence of author.

Senate Bill No. 78—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Passed on file, in absence of author.

Senate Bill No. 20—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for nonuser of corporate powers.

Passed on file, in absence of author.

Senate Bill No. 156—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian.

Passed on file by unanimous consent, but to retain place on file.

Senate Bill No. 169—An Act to provide for the appointment of State detectives; to establish their duties, and to provide for the payment of their salaries.

Passed on file, in absence of author.

Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Passed on file by unanimous consent, but to retain place on file.

Senate Bill No. 173—Amending Section 1042 of the Penal Code of the State of California, concerning the mode of trial in criminal cases.

Passed on file by unanimous consent, but to retain place on file.

Senate Bill No. 260—An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, the deputy clerks, and the stenographer of the Clerk of the Supreme Court.

Passed on file, in absence of author.

Senate Bill No. 261—An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court.

Passed on file, in absence of author.

Senate Bill No. 52 - An Act to establish, ratify, and confirm the north boundary line of Mendocino County, between the counties of Mendocino and Trinity, as the same was surveyed and established by S. H. Rice, between September 1, 1891, and December 18, 1891, to be the true boundary line between the counties of Mendocino and Trinity, State of California.

Read second time, and ordered to engrossment.

Senate Bill No. 81—An Act relating to the compensation of County Recorders in counties where their compensation is fees only, instead of salary.

Passed on file by unanimous consent.

Senate Bill No. 90—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners, approved March 4, 1881 (Statutes 1881, 26), relating to assessing and collecting said taxes.

During the second reading of bill the following amendments were offered:

By Senator Davis:

Amend by adding an enacting clause as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

By Senator Smith:

Amend by inserting the following after the enacting clause: "Section 1. 'An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners,' approved March 4, 1881, is hereby amended to read as follows."

Amendment adopted.

Also: Amend by renumbering "Section 26" and "Section 27" as "Section 2" and "Section 3."

Amendment adopted.

Read second time, and ordered to print and engrossment.

Senate Bill No. 102—An Act empowering Boards of Supervisors to construct, reconstruct, and change the location of, and enter into contracts concerning bridge or bridges across navigable streams or waterways in this State.

Passed on file, in absence of author.

Senate Bill No. 222—An Act to amend Section 2 of an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Read second time, and ordered to engrossment.

Senate Bill No. 223—An Act authorizing and directing the transfer of \$40,000 from the Railroad Tax Contingent Fund to the State School Fund, in compliance with the provisions of Section 3668 of the Political Code.

Read second time, and ordered to engrossment.

Senate Bill No. 224—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

Read second time, and ordered to engrossment.

Senate Bill No. 225—An Act transferring from the Estates of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest-

bearing bonds, to be held in trust for the benefit of the State School Fund.

Read second time, and ordered to engrossment.

Senate Bill No. 272—An Act making an appropriation to pay the claim of the Bulletin for advertising the constitutional amendments for the year 1896.

During the second reading of bill the following amendments were offered by Senator Gillette:

Amend Section 1, line 4, by inserting after the word "amendments" and before the word "the" the words "for the year 1896."

Amendment adopted.

Also: Amend Section 1, line 3, by inserting after the word "the" and before the word "Bulletin" the word "San Francisco."

Amendment adopted.

Also: Amend by inserting in line 1 of the title, after the word "the" and before the word "Bulletin," the word "San Francisco."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

At ten o'clock and forty-five minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senate Bill No. 101—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

During the second reading of bill, the following amendments were submitted by committee:

Amend by striking out the words and figures "ten thousand (10,000) dollars" on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "five thousand (5,000) dollars."

Amendment adopted.

Also: Amend by striking out the words and figures "ten thousand (10,000) dollars" on line 3, section 2, page 1, printed bill, and inserting in lieu thereof the following: "five thousand (5,000) dollars."

Amendment adopted.

The following amendment was offered by Senator Dickinson:

Amend by inserting just preceding Section 1: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 249—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending Section 3 thereof, relating to the enumeration of the inhabitants of a city or town.

During the second reading of bill, the following amendment was submitted by committee:

Amend by striking out the words "the council, board," on line 28, page 2; all of lines 29, 30, and 31, and the word "direct," on line 32, page 2, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 105—An Act to amend Section 103 of the Code of

Senate Bill No. 231—An Act providing the establishment and maintenance of sewer districts adjacent to municipal corporations.

During the second reading of bill, the following amendment was offered by Senator Morehouse:

Amend by striking out of Section 1, line 3, the word "fourth" and inserting the word "third."

Amendment adopted.

Read second time, ordered to print and engrossment.

Senate Bill No. 8—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and the amendments thereto, approved March 19, 1889, and March 26, 1895, respectively.

Read second time, and ordered to engrossment.

WITHDRAWAL OF BILL.

Senator Nutt asked for, and was granted, unanimous consent to withdraw Senate Bill No. 172.

Senate Bill No. 172—An Act to amend an Act entitled "An Act to amend Section 103 of the Code of Civil Procedure of the State of California," approved March 31, 1891, relative to Justices' Courts.

Senate Bill No. 172 withdrawn and ordered stricken from the file.

Senate Bill No. 110—An Act to amend Sections 1373, 1633, 1552, 1668, and 1699 of the Code of Civil Procedure.

Passed on file, but to retain place on file.

Senate Bill No. 143—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Read second time, and ordered to engrossment.

Senate Bill No. 203—An Act to amend Section 377 of the Code of Civil Procedure, relating to actions for damages.

Passed on file, but to retain place on file.

Senate Bill No. 216—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Passed on file, in absence of author.

Senate Bill No. 268—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 1745 and 1746, respectively, relating to the appointment of Public Administrators as guardians of the estates, or the persons and estates, of minors and insane persons.

Passed on file, in absence of author.

Senate Bill No. 243—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees, an expense payable as an expense of administration.

Read second time, and ordered to engrossment.

Senate Bill No. 137—An Act to prohibit the wearing of the insignia, badges, links, buttons, uniform, or other emblems of secret societies,

and the use thereof, to obtain aid or assistance by persons not members thereof, and to punish for the violation of this Act.

Passed on file, in absence of author.

Senate Bill No. 192—An Act to amend Section 312 of the Civil Code, relative to the election of directors of corporations.

Passed on file, in absence of author.

Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases.

Passed on file, in absence of author.

Senate Bill No. 357—An Act to amend Sections 628 and 630 of an Act of the Legislature of the State of California entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations.

During the second reading of bill, the following amendment was offered by Senator Hall:

Amend Section 1 by striking out in line 15, after the word "town," all of the words of said section.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out on line 18 of Section 1, after the word "clerk," all down to and including the words "the first class," on line 25, Section 1.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "clerk" a period or full stop, on line 18, Section 1, page 2 of printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the small "s" in the word "such," on line 25, Section 1, page 2, printed bill, and inserting in lieu thereof a capital "S."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all words after the word "person" to the end of the section, beginning on line 52, Section 1, page 2, and ending on line 59, Section 1, page 3.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "five," on line 11, Section 2, page 3, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "as such," on line 13, Section 2, page 3, printed bill, and inserting in lieu thereof the words "as a regular juror."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the word "ten," on line 18, Section 2, page 3, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the word "ten" on line 20, Section 2, page 3 of the printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 179—An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs by transportation companies in the State of California, and fixing a penalty for failure to comply thereto.

Senator Simpson moved to postpone further consideration of Senate Bill No. 179 until next legislative day. *

The question being on the motion to postpone.

The ayes and noes were demanded by Senators Braunhart, La Rue, and Hall.

The roll was called, and the motion lost by the following vote:

AYES—Senators Morehouse, Shortridge, and Simpson—3.

NOES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Cutter, Dickinson, Dwyer, Gillette, Hall, Laird, La Rue, Luchsinger, Nutt, Prisk, Rowell, Sims, Taylor, and Trout—19.

Bill read second time, and ordered to engrossment.

Senate Bill No. 180—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Read second time, and ordered to engrossment.

Senate Bill No. 235—An Act to amend an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect works necessary and incident to said drainage; to condemn land and property for the purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, by amending Sections 2, 3, and 4 thereof, so as to provide for the improvement and protection of the navigable channels and harbors of this State.

During the second reading of bill, the following committee substitute was submitted:

SUBSTITUTE FOR SENATE BILL No. 235.

An Act to amend Sections 2, 3, and 5 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn lands and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, is hereby amended to read as follows:

"Section 2. For the purposes of this Act, the report of the Commissioner of Public Works, dated November sixteen, eighteen hundred and ninety-six, and accompanying reports and plans of engineers, shall be adopted and made the basis of operations, and the plans therein specified for promoting drainage and improving and rectifying river channels, shall, as far as practicable, be carried out and finished as herein provided. In addition to the work outlined and described in said report, the said Board of Auditors are hereby authorized and empowered to perform other, further, and additional work upon the navigable creeks, rivers, and sloughs of the State of California, of a character and nature similar to that outlined and described in said report, for the purpose of promoting drainage, rectifying channels, and improving navigation."

Sec. 2. Section 3 of the above-mentioned and described Act is hereby amended to read as follows:

"Section 3. The said Auditing Board herein provided for shall have charge and superintendence of all work authorized by this Act, and shall employ and direct all employes, and shall audit and provide for the payment of all expenses incurred under the provisions of this Act."

Sec. 3. Section 5 of the above-mentioned and described Act is hereby amended to read as follows:

"Section 5. The said Auditing Board shall have power to employ such persons in and about the work herein authorized or provided for, as they may determine to be necessary, at a compensation to be fixed by them. All contracts for the purchase of material and supplies, or for such work as can be done by contract, where the expense thereof shall exceed the sum of five hundred dollars, shall be awarded to the lowest bidder, at a public letting thereof, and after a notice to bidders to be published in one newspaper published in the City of Sacramento, one in Stockton, and one in San Francisco, for at least one week; *provided*, that at least two weeks shall intervene between the last publication of said notice and the time for opening bids; *provided*, that said bid is a fair and reasonable one. All bids required by this Act shall be accompanied by such security as the Auditing Board may require, conditioned upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a penal bond, with good and sufficient sureties, in such sum as the Auditing Board may require, and to their satisfaction, that he will faithfully perform his contract. If all the bids made at such letting are deemed unreasonably high, the board may, in their discretion, decline to contract, and may again advertise for such time and in such papers as they see proper, for proposals, and may so continue to renew the advertisement until satisfactory contracts are made; and in the meantime the board may contract for articles and supplies for immediate and temporary use, and any one whose offer is regarded as just and equitable, or may purchase in the open market. No bid shall be accepted, nor a contract entered into in pursuance thereof, when such bidder is higher than any other bid at the same letting for the same class or schedule of articles, quality considered, and when a contract can be had at such lower bid. When two or more bids for the same article or articles are equal in amount, the board may select the one which, all things considered, may by them be thought best for the interest of the State, or they may divide the contract between the bidders, as in their judgment may seem proper and right. The board shall have power to let a contract in the aggregate, or they may segregate the items, and enter into a contract with the bidder or bidders who may bid lowest on the several articles. The board shall have the power to reject the bid of any person who had a prior contract and who had not, in the opinion of the board, faithfully complied therewith. If, however, any sudden emergency should arise, rendering it necessary, in the judgment of the Auditing Board, to protect works already completed, or to prevent any work in process of construction being damaged by storms or flood waters, that immediate repair or work should be done, the said Commissioner of Public Works shall have power to perform such work, or make such repairs, in the manner which to him seems most advisable."

Sec. 4. This Act shall take effect immediately.

Committee substitute adopted.

Bill read second time, ordered to print and engrossment.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District (in the chair), announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 11, 1899. }

The hour of twelve o'clock m. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Brauhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Dwyer, Feeney, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, and Trout—26.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Blood, Brooke, Brown, Burnett, Caminetti, Chynoweth, Clark, Clough, Cobb, Conrey, Cospier, Cowan, Crowder, Dale, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Henry, Hoey, Jilson, Johnson, Kelley, Kenneally, Knights, Le Baron, Lardner, McDonald of Alameda, McDonald of Tuolumne, Mead, Melick, Merrill, Miller of Los Angeles, Miller of San Francisco, O'Brien, Radcliff, Raub, Raw, Rickard, Robinson, Eugene Sullivan, E. D. Sullivan, Valentine, White, Works, Wright, and Mr. Speaker—53.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Friday, February 10, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, February 10, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, and Morehouse—3.

For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.

For D. M. Burns—Senators Burnett, Laird, and Shortridge—3.

For U. S. Grant, Jr.—Senators Cutter, Jones, Nutt, Smith, and Trout—5.

For Thomas R. Bard—Senator Rowell—1.

For Irving M. Scott—Senator Davis—1.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Dwyer, La Rue, Prisk, and Sims—7.

For William T. Jeter—Senator Hall—1.

Whole number of votes cast by Senators	26
W. H. L. Barnes received	3 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	3 votes.
U. S. Grant, Jr., received	5 votes.
Thomas R. Bard received	1 vote.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	7 votes.
William T. Jeter received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, and Lardner—5.

For R. N. Bulla—Messrs. Conrey, Cosper, Melick, Miller of Los Angeles, Robinson, and Valentine—6.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Miller of San Francisco, Rickard, Eugene Sullivan, and Wright—14.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Blood, Chynoweth, Clark, Crowder, Dale, Greenwell, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Radcliff, Raub, Raw, and Works—14.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Caminetti, Cowan, Fairweather, Feliz, Glenn, Hoey, Mead, O'Brien, E. D. Sullivan, and White—10.

For James D. Phelan—Mr. Burnett—1.

Whole number of votes cast by Assemblymen	53
W. H. L. Barnes received	5 votes.
R. N. Bulla received	6 votes.
D. M. Burns received	14 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	14 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	79
Necessary to a choice	40
W. H. L. Barnes received	8 votes.
R. N. Bulla received	10 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
Thomas R. Bard received	1 vote.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote.

Stephen M. White received	17 votes.
William T. Jeter received	1 vote.
James D. Phelan received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Davis, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Monday, February 13, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Dwyer, Gillette, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, and Trout—25.

Quorum present.

HOOR OF RECESS EXTENDED.

Senator Dickinson moved that the hour of recess be extended ten minutes.

So ordered.

MOTION.

Senator Luchsinger moved that when the Senate adjourn to-day it adjourn to eleven o'clock and thirty minutes A. M. of Monday, February 13, 1899.

Senator Smith moved to amend by adjourning to ten o'clock A. M. of Monday, February 13, 1899.

Amendment adopted.

RESOLUTION—(OUT OF ORDER).

Senator Luchsinger offered the following resolution, and moved its adoption:

Resolved, That the Senate sub-committee selected to visit the Mendocino State Asylum, consisting of Senators Luchsinger, Laird, Leavitt, Trout, Sims, Braunhart, Dwyer, and Hall be granted leave of absence until Monday, February 13, 1899, at 11:30 A. M.

Resolution read and adopted.

MOTIONS.

Senator Cutter moved that Senate Constitutional Amendment No. 9 be taken up and considered.

So ordered.

Senate Constitutional Amendment No. 9—Proposed amendment to Article VI of the Constitution, relative to the compensation of Supreme and Superior Court Judges.

During the reading of Senate Constitutional Amendment No. 9, the following amendments were offered by Senator Cutter:

Amend by striking out of Section 17, line 6, the comma after the word "State" and inserting a period.

Amendment adopted.

Also: Amend by making in Section 17, line 6, the word "noted" commence with a capital.

Amendment adopted.

Also: Amend by striking out of Section 17, line 7, the period and inserting a small letter in the word "The."

Amendment adopted.

Senate Constitutional Amendment No. 9 read, ordered to print and engrossment.

Senator Dickinson moved that Senate Bill No. 349, as amended by committee, be printed.

So ordered.

Senator Simpson moved that substitute for Senate Bill No. 306 be printed.

So ordered.

ADJOURNMENT.

At one o'clock and fifty minutes P. M., on motion of Senator Simpson, the Senate was declared adjourned until ten o'clock A. M. of Monday, February 13, 1899.

IN SENATE.

SENATE CHAMBER,
Monday, February 13, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Jones, Laird, Leavitt, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Stratton, and Taylor—24.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, February 11, 1899, was read.

The Journal of Thursday, February 9, 1899, was approved.

SPECIAL ORDER.

The reading of the Journal having been dispensed with, the special order—the consideration of the report of the Committee on Rules and Revision (proposing to hold evening sessions)—was taken up for consideration.

SENATE CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following resolution:

Resolved, That beginning Monday, February 13, 1899, the daily sessions of the Senate shall begin at ten o'clock A. M., two o'clock P. M., and eight o'clock P. M., until further order of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be amended by striking out the word "Monday" and inserting "Thursday," and making "13" read "16."

BETTMAN, Chairman.

Senator Boyce moved to amend as follows:

Amend by inserting the words "Monday, February 20, 1899."

The roll was called on the amendment proposed by Senator Boyce, and the same lost by the following vote: *

AYES—Senators Bettman, Boyce, Bulla, Burnett, Currier, Feeney, Prisk, Simpson, Sims, Stratton, and Wolfe—11.

NOES—Senators Chapman, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, Leavitt, Nutt, Smith, Taylor, and Trout—14.

The question recurring on the original report as presented by the committee.

The same was adopted.

BILL RECALLED FROM ENGROSSMENT.

Senator Davis moved that Senate Bill No. 90 be recalled from engrossment, for the purpose of amendment.

So ordered.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 378—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors and by the municipal authorities of cities and towns to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations when found necessary, without offering the same for sale, excepting from the operation of this Act any property under the jurisdiction or control of any Board of State Harbor Commissioners.

Also: Senate Bill No. 213—An Act for the relief of W. C. Guirey.

Also: Senate Bill No. 128—An Act to amend Sections 537, 538, and 539 of the Code of Civil Procedure, relating to attachments.

Also: Senate Bill No. 217—An Act amending Section 2 of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 30, 1874, relating to the taking of samples from mines, and for the better protection of stockholders in mining corporations.

Also: Senate Bill No. 265—An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations.

Also: Senate Bill No. 266—An Act to amend Section 317 of the Civil Code, relating to the validity of the meetings of corporations.

JONES, Chairman.

Senate Bills Nos 378, 213, 128, 217, 265, and 266 ordered on file for third reading.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 11, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following resolution:

Resolved, That any Senator may substitute one of his own bills for another of his own bills, on the same file; *provided*, that upon the objection of any Senator, the substitute bill shall not be put to a vote until the next legislative day.

Have had the same under consideration, and respectfully report the same back, and recommend that the following substitute be adopted therefor:

Resolved, That any Senator may substitute one of his own bills for another of his own bills on the same file; *provided*, that the substituted bill shall not be considered until the next legislative day and until it appears in its new place on the printed copy of the Senate General File.

Also: The following resolution:

Resolved, That on Tuesday, February 14, 1899, immediately after the introduction of bills, each member be permitted to name one bill to be placed on a special urgency file, and that such urgency file be considered daily except during the hour for the consideration of special file of Assembly bills.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BETTMAN, Chairman.

Substitute resolution adopted.

Report of committee and resolution read and adopted.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills hereby return Senate Bill No. 90—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners (approved March 4, 1881; Statutes 1881, 26), relating to assessing and collecting said taxes—which was recalled from Engrossing Clerk for correction.

JONES, Chairman.

Senator Davis moved to amend Senate Bill No. 90 as follows:

Amend by striking out of Section 9, line 6, printed bill, the word "from" before the word "anticipated" and inserting the following word in lieu thereof: "for"

Amendment adopted.

Bill ordered to print and engrossment.

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 11, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Senate Joint Resolution No. 3—Relative to the election of United States Senators by direct vote of the people—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Joint Resolutions Nos. 11, 18, and 19:

Senate Joint Resolution No. 11—Relative to money due and unpaid to the State of California from the National Government for fitting out volunteers.

Senate Joint Resolution No. 18—Relative to Yosemite National Park.

Senate Joint Resolution No. 19—Resolution as to making upon the Island of Molokai a leper hospital for the care of all lepers within the United States.

Have had the same under consideration, and respectfully report the same back, and recommend that the above named resolutions be adopted.

Also: Assembly Joint Resolutions Nos. 10, 12, and 13:

Assembly Joint Resolution No. 10—Relative to setting over and establishing granite posts to mark a true boundary line between the States of California and Nevada.

Assembly Joint Resolution No. 12—Relative to exposition at San Francisco, in 1901, of products and industries of Pacific Ocean countries.

Assembly Joint Resolution No. 13—Relative to creating the rank of Admiral, and conferring same on Rear Admiral George Dewey.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

LEAVITT, Chairman.

Senate Joint Resolutions Nos. 3, 11, 18, and 19, and Assembly Joint Resolutions Nos. 10, 12, and 13, ordered on file.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following engrossed Assembly bills:

Assembly Bill No. 399—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 10 thereof.

Also: Assembly Bill No. 444—An Act to amend Section 1444 of the Code of Civil Procedure, in relation to appraisements of estates of deceased persons.

Also: Assembly Bill No. 458—An Act to amend the Penal Code by adding a section thereto to be numbered 623½, relating to the detention of books and other property belonging to any public or incorporated library, reading-room, museum, or other educational institution.

Also: Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations.

C. W. KYLE, Chief Clerk.
By J. L. SCOTCHLER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following engrossed Assembly bills:

Assembly Bill No. 4—An Act to create an Exempt Firemen's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen.

Also: Assembly Bill No. 138—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885, and to add two new sections thereto, all relating to the State Board of Dental Examiners, and regulating the practice of dentistry in this State.

Also: Assembly Bill No. 247—An Act prohibiting the payment of money by the State to counties, and cities and counties for the collection of taxes.

Also: Assembly Bill No. 257—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.

Also: Assembly Bill No. 291—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known and numbered as Section 364 thereof, relating to corporations.

Also: Assembly Bill No. 352—An Act relating to the disposition of moneys belonging to deceased inmates of public institutions supported in whole or in part by State aid and under the control of boards appointed by the Governor.

Also: Adopted Senate Concurrent Resolution No. 5—Relating to setting apart a room in the State Capitol building for office of Lieutenant Governor.

Also: Assembly Joint Resolution No. 7—Relating to irrigation of San Joaquin Valley.

Also: Assembly Joint Resolution No. 14—Relating to an inquiry into the alleged servitude in Siberia of Frank Bassford and companions.

C. W. KYLE, Chief Clerk.
By J. L. SCOTCHLER, Assistant.

Assembly Bill No. 399 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 444 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 4 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 291 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 352 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 458 read first time, and referred to Committee on Public Printing and State Library.

Assembly Bill No. 660 read first time, and referred to Committee on Corporations.

Assembly Bill No. 138 read first time, and referred to Committee on Hospitals, Health, and Quarantine.

Assembly Bill No. 247 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bill No. 257 read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

Senate Concurrent Resolution No. 5 ordered to enrollment.

Assembly Joint Resolution No. 7 referred to Committee on Federal Relations and Immigration.

Assembly Joint Resolution No. 14 referred to Committee on Federal Relations and Immigration.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Leavitt: Senate Bill No. 567—An Act making an appropriation to pay the claim of the Tribune Publishing Company for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Doty: Senate Bill No. 568—An Act making an appropriation to pay the claim of James McClatchy & Co., publishers of the Evening Bee, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Simpson: Senate Bill No. 569—An Act to regulate the business of firms, persons, or corporations engaged in the business of furnishing gas to consumers for lighting and heating purposes.

Read first time, and referred to Committee on Corporations.

By Senator Sims: Senate Bill No. 570—An Act making an appropriation to pay the claim of the Press-Democrat for publishing proposed constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Bulla: Senate Bill No. 571—An Act to amend Title III, Part IV, of the Political Code, relating to municipal corporations.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Cutter: Senate Bill No. 572—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, extending the time during which the Board of Directors may sit as a Board of Equalization.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

Also: Senate Bill No. 573—An Act making an appropriation to pay the claim of the Sun for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 574—An Act making an appropriation to pay the claim of the Record for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 575—An Act making an appropriation to pay the claim of the Report for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Wolfe: Senate Bill No. 576—An Act making an appropriation to pay the claim of A. W. Voorsanger, publisher of the Emanu-el, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Gillette: Senate Bill No. 577—An Act making an appro-

priation to pay the claim of the Crescent City News for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Doty: Senate Bill No. 578—An Act making an appropriation to pay the claim of the Sacramento Publishing Company, publishers of the Record-Union, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Prisk: Senate Bill No. 579—An Act to amend Section 225 of the Code of Civil Procedure of the State of California, relating to the summoning of grand and trial jurors for courts of record.

Read first time, and referred to Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 580—An Act to amend Sections 1915, 1917, and 1920 of the Civil Code, relating to legal rate of interest.

Read first time, and referred to Committee on Judiciary.

By Senator Nutt: Senate Bill No. 581—An Act fixing the fee to be charged by any County Recorder in any county, and any City and County Recorder in any city and county in the State of California, for filing certificates of tax sales issued by the Tax Collector of any municipality within this State, when bound in book form.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Shortridge: Senate Bill No. 582—An Act making an appropriation to pay the claim of J. L. Phelps & Co., publishers of the Stockton Daily Independent, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 583—An Act making an appropriation to pay the claim of Colnan & Nunan, publishers of the Stockton Mail, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Cutter: Senate Bill No. 584—An Act making an appropriation to pay the claim of the San Francisco Chronicle for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

By Senator Leavitt: Senate Bill No. 585—An Act to enable cities of the third class to issue fiscal-year bonds for the purpose of providing money for the payment of municipal expenses before the collection of taxes.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Rowell: Senate Bill No. 586—An Act to add a new section to the Penal Code, said section to be designated as Section 625½, relating to oil pipe-lines.

Read first time, and referred to Committee on Corporations.

NOTICE OF MOTION TO RECONSIDER RESET.

Senator Cutter moved that his notice of motion of Friday, February 10, 1899, to reconsider the vote whereby Assembly Bill No. 145—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessment in reclamation districts, and to provide for a hearing of the land owners before the Commissioner of Assessment, in

relation to such assessment—was finally passed, be postponed until Tuesday, February 14, 1899.

• Motion carried by unanimous vote.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Passed on file.

Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Passed on file.

Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897.

Passed on file, in absence of author.

Senate Bill No. 49—An Act to amend Sections 1083, 1094, 1095, 1096, 1097, 1101, 1103, 1105, 1113, 1115, 1116, 1130, 1204, and 1261, and to repeal Sections 1098, 1099, 1100, 1104, and 1114 of the Political Code.

The bill having been read third time on a previous day.

The roll was called, and Senate Bill No. 49 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feehey, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Frisk, Rowell, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Wolfe asked unanimous consent to withdraw Senate Bill No. 410—An Act to amend an Act entitled "An Act to provide for furnishing assistants to the Coroner of each city, or city and county, having 100,000 or more inhabitants, and providing the mode in which such assistants shall be appointed and designated, and establishing the compensation and prescribing the duties of such assistants," approved March 23, 1893.

Unanimous consent granted, and Senate Bill No. 410 withdrawn and ordered stricken from the file.

At eleven o'clock and fifty minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senator Wolfe moved that the Senate do now proceed to consider the second-reading file.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting

to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.
Passed on file.

Senate Bill No. 78—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Passed on file.

Senate Bill No. 20—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for nonuser of corporate powers.

Passed on file.

Senate Bill No. 156—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian.

Passed on file.

Senate Bill No. 169—An Act to provide for the appointment of State detectives, to establish their duties, and to provide for the payment of their salaries.

Passed on file.

Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Passed on file.

Senate Bill No. 173—An Act amending Section 1042 of the Penal Code of the State of California, concerning the mode of trial in criminal cases.

Passed on file.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Leavitt asked unanimous consent to withdraw Senate Bill No. 260—An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk, the deputy clerks, and the stenographer of the Clerk of the Supreme Court.

Unanimous consent granted, and Senate Bill No. 260 withdrawn and ordered stricken from the file, and Senate Bill No. 390—An Act to amend Section 2440 of the Political Code of the State of California, approved March 12, 1872, relating to the appointment of Pilot Commissioners for San Francisco, Mare Island, and Benicia—substituted therefor on file.

Senator Leavitt also asked unanimous consent to withdraw Senate Bill No. 261—An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court.

Unanimous consent granted, and Senate Bill No. 261 withdrawn and ordered stricken from the file, and Senate Bill No. 22 substituted therefor on file—An Act to create the Harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the Harbor of Oakland, to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties

and jurisdiction, fixing their terms, salaries, and their bonds, and providing how vacancies shall be filled; providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collector, and other employes, and providing for the manner of their appointment, and defining their duties and fixing their tenure of office; providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board, or employes, a misdemeanor, and providing a penalty of a fine not to exceed \$300, or imprisonment not exceeding one hundred days as a punishment therefor, and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing punishment therefor of a fine of not less than \$100, and not more than \$500, or by imprisonment of not less than thirty nor more than ninety days, and making it a misdemeanor to drive horses, or mules, or vehicles upon any wharf, pier, quay, landing, or thoroughfare faster than a walk, and providing a punishment of a fine of not more than \$20, or imprisonment of not more than ten days, and providing that the Police Court of the City of Oakland shall have jurisdiction of all such misdemeanors herein provided, and making it a misdemeanor for masters, owners, or consignees of vessels or railroad to refuse or to neglect to deliver to the wharfinger, or other employe of the board, a statement of the quality of the merchandise intended to be discharged, and making the punishment therefor a fine of not more than \$100, or imprisonment of not more than three months, or both; and making it a misdemeanor for any such person to discharge, or to allow to be discharged, from any such vessel or car any part of its cargo or load, or receive or allow to be received on such vessel or car, any such part of its cargo or load, and providing a punishment of a fine not exceeding \$500, or imprisonment not exceeding one hundred days, or by both such fine and imprisonment, and providing that the Attorney-General shall furnish advice to the board when required.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate (having resumed the chair) announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 13, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, DeLancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Le Baron, Lardner, Landquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKee, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, White, Works, Wright, and Mr. Speaker—77.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Saturday, February 11, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Saturday, February 11, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Irving M. Scott—Senator Davis—1.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Chapman, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—8.

For William T. Jeter—Senator Hall—1.

Whole number of votes cast by Senators.....	35
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr. received	7 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	8 votes.
William T. Jeter received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—21.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Hanley, Hoey, Mead, Meserve, O'Brien, Stewart, E. D. Sullivan, and White—14.

For John Rosenfeld—Mr. Crowley—1.

For James D. Phelan—Mr. Burnett—1.

Whole number of votes cast by Assemblymen.....	76
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	19 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr. received	21 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	14 votes.
John Rosenfeld received	1 vote.
James D. Phelan received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	111
Necessary to a choice.....	56
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	26 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr. received	28 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 votes.
John Rosenfeld received	2 votes.
Stephen M. White received	22 votes.
William T. Jeter received	1 vote.
James D. Phelan received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Tuesday, February 14, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

Quorum present.

RECESS.

At twelve o'clock and thirty-seven minutes P. M., the hour of recess having arrived, the President pro tem. declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—26.

Quorum present.

COMMUNICATIONS.

The following communication from United States Senator George C. Perkins was read:

UNITED STATES SENATE, WASHINGTON, D. C., February 7, 1899.

To HON. F. J. BRANDON, *Secretary of the Senate, Sacramento, California*:

I am in receipt of your telegram of February 4th, transmitting copy of the joint resolution requesting that the shoal in San Pablo Bay be dredged. I shall at once take steps to secure an appropriation, if possible, although it is very doubtful, as an order for a survey and estimate of the cost must first be made.

Yours very truly,

GEORGE C. PERKINS.

The following communication from Congressman S. G. Hilborn was read:

WASHINGTON, February 5, 1899.

To HON. F. J. BRANDON, *Secretary of the Senate, Sacramento, California*:

DEAR SIR: I have the honor to acknowledge the receipt of your telegram in relation to the shoal in San Pablo Bay.

I am happy to inform you that the River and Harbor bill contains an item for the survey by the proper officers, with a view to making an appropriation for dredging the channel through said shoal, thirty feet in depth.

Very respectfully,

S. G. HILBORN.

SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 45—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

The bill having been read third time on a previous day.

The roll was called, and Assembly Bill No. 45 finally passed by the following vote:

AYES—Senators Ashe, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Wolfe—27.

NOES—None.

Title read and approved.

Assembly Bill No. 132—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

Read third time.

The roll was called, and Assembly Bill No. 132 finally passed by the following vote:

AYES—Senators Ashe, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Taylor—25.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Nutt gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 132 was on this day finally passed.

Assembly Bill No. 118—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeyman horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

Passed on file, but to retain place on file.

Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments and to include propositions.

Passed on file, but to retain place on file.

Assembly Bill No. 117—An Act to amend Section 456 of the Civil Code.

Read third time.

Senator Cutter moved to refer Assembly Bill No. 117 to a special committee of one, consisting of Senator Gillette, with instructions to amend as follows:

Amend by striking out the first and second lines of Section 1, page 1, printed bill, and inserting in lieu thereof the following:

"SECTION 1. Section 456 of the Civil Code is hereby amended to read as follows."

Also: By inserting at the beginning of line 3, Section 1, page 1, printed bill, the figures "456" and a period following them; and to amend the title so as to read: "An Act to amend Section 456 of the Civil Code."

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1899

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 117—An Act to amend Section 456 of the Civil Code—with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 42—An Act to amend an Act entitled "An Act authorizing boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Senator Sims moved that Assembly Bill No. 42 be denied second reading.

The ayes and noes were demanded by Senators Leavitt, Wolfe, and Sims.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bulla, Currier, Jones, Morehouse, Prisk, Sims, and Smith—7.

NOES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Cutter, Dwyer, Feeney, Flint, Hall, Hoey, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Shortridge, Simpson, Stratton, Taylor, and Wolfe—21.

Assembly Bill No. 42 read second time, and ordered on file for third reading.

Assembly Bill No. 308—An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V of the Political Code, relating to the State Library.

Read third time.

The roll was called, and Assembly Bill No. 308 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Cutter, Flint, Gillette, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senators Ashe, Doty, Dwyer, Feeney, Hall, La Rue, Sims, and Smith—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 308 was on this day finally passed.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 8—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and the amendments thereto, approved March 19, 1889, and March 26, 1895, respectively.

Senate Bill No. 143—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Senate Bill No. 243—An Act amending the Code of Civil Procedure of the State of California adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Senate Bill No. 179—An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs, by transportation companies in the State of California, and fixing a penalty for failure to comply thereto.

Committee Substitute for Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace.

Senate Bill No. 68—An Act to amend Section 2 and Section 38 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, concerning changes in the grade of streets.

Senate Bill No. 229—An Act to provide for the disposal of money raised by cities or towns for public improvement after the same has been completed and paid for.

Senate Bill No. 223—An Act authorizing and directing the transfer of \$40,000 from the Railway Tax Contingent Fund to the State School Fund, in compliance with the provisions of Section 3668 of the Political Code.

Senate Bill No. 224—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

Senate Bill No. 225—An Act transferring from the Estates of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest-bearing bonds, to be held in trust for the benefit of the State School Fund.

Senate Bill No. 52—An Act to establish, ratify, and confirm the north boundary line of Mendocino County, between the counties of Mendocino and Trinity, as the same was surveyed and established by S. H. Rice between September 1, 1891, and December 18, 1891, to be the true boundary line between the counties of Mendocino and Trinity, State of California.

Senate Bill No. 222—An Act to amend Section 2 of an Act entitled "An Act relating to commitments to the State school at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Also: Senate Bill No. 59 (reengrossed)—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

JONES, Chairman.

Senate Bills Nos. 8, 143, 243, 179, 68, 229, 223, 224, 225, 52, 222, and Committee Substitute for Senate Bill No. 105, ordered on file for third reading.

Senate Bill No. 59 ordered on file for passage.

At three o'clock p. m. Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 536—An Act to add a new section to the Political Code of the State of California, to be numbered 1118, relating to registration—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STRATTON, Chairman.

Senate Bill No. 536 ordered on file for second reading.

SPECIAL FILE FOR ASSEMBLY BILLS—(RESUMED).

Substitute for Assembly Bill No. 30—An Act to amend Sections 2579, 2588, 2589, 2590, 2591, and 2605 of the Political Code, approved March

12, 1872, relating to the powers and duties of the Board of State Harbor Commissioners for the Bay of San Diego.

Read third time.

The roll was called, and Substitute for Assembly Bill No. 30 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Chapman, Currier, Doty, Dwyer, Feeney, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—23.

NOES—Senators Hall and Taylor—2.

Title read and approved.

Assembly Bill No. 301—An Act to amend an Act entitled “An Act to provide for the disincorporation of municipal corporations of the sixth class,” approved March 26, 1895, by amending Sections 1 and 2 thereof.

Read third time.

The roll was called, and Assembly Bill No. 301 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Cutter, Doty, Dwyer, Gillette, Jones, La Rue, Luchsinger, Maggard, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Assembly Bill No. 302—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California entitled “An Act to provide for the disincorporation of municipal corporations of the sixth class,” approved March 26, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.

Read third time.

The roll was called, and Assembly Bill No. 302 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Cutter, Doty, Feeney, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—22.

NOES—None.

Title read and approved.

Assembly Bill No. 273—An Act to amend Sections 2, 3, 4, and 5 of an Act entitled “An Act to provide a system of street-improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds,” approved February 27, 1893.

Read third time.

The roll was called, and Assembly Bill No. 273 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Jones, La Rue, Luchsinger, Maggard, Morehouse, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Assembly Bill No. 366—An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works

of, or work done for, the State of California, or any political subdivision thereof.

Read third time.

The roll was called, and Assembly Bill No. 366 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, La Rue, Maggard, Morehouse, Prisk, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—22.

NOES—Senators Jones, Rowell, and Smith—3.

Title read and approved.

On motion of Senator Dickinson, Assembly Bill No. 136—An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor—was referred to Committee on Finance and Claims, but to retain place on file.

At three o'clock and thirty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

MOTION.

Senator Bulla moved that the Senate proceed to consider the bills on the second-reading file.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 102—An Act empowering Boards of Supervisors to construct, reconstruct, and change the location of, and enter into contracts concerning bridge or bridges across navigable streams or waterways in this State.

Passed on file, in absence of author.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Morehouse asked for and was granted unanimous consent to withdraw Senate Bill No. 110—An Act to amend Sections 1373, 1633, 1552, 1668, and 1699 of the Code of Civil Procedure.

Senate Bill No. 110 withdrawn and ordered stricken from the file, and Senate Bill No. 63—An Act to amend Section 1227 of the Civil Code of the State of California—substituted therefor on file.

Senate Bill No. 203—An Act to amend Section 377 of the Code of Civil Procedure, relating to actions for damages.

Passed on file.

WITHDRAWAL OF BILLS.

Senator Doty asked for and was granted unanimous consent to withdraw Senate Bill No. 216—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Senate Bill No. 216 withdrawn and ordered stricken from the file, and Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known and numbered Section 2664, relating to highway taxes—substituted therefor on file.

Senator Boyce asked for and was granted unanimous consent to withdraw Senate Bill No. 156—An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March

11, 1872, relating to power of Judge to insert conditions in order appointing guardian—and substitute therefor on file Senate Bill No. 36.

Senate Bill No. 156 withdrawn and stricken from the file, and Senate Bill No. 36—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools—substituted therefor on file.

Senator Doty asked for and was granted unanimous consent to withdraw Senate Bill No. 268—An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 1745 and 1746, respectively, relating to the appointment of Public Administrators as guardians of the estates, or the persons and estates, of minors and insane persons.

Senate Bill No. 268 withdrawn and stricken from the file, and Senate Bill No. 374—An Act to amend Section 2653 of an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, relating to highway taxes—substituted therefor on file.

Senate Bill No. 137—An Act to prohibit the wearing of the insignia, badges, links, buttons, uniform, or other emblems of secret societies, and the use thereof to obtain aid or assistance by persons not members thereof, and to punish for the violation of this Act.

During the second reading of bill, the following committee substitute was read:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 137.

An Act amending an Act entitled “An Act to prevent persons from unlawfully using and wearing the badge of the Grand Army of the Republic of this State,” approved March 10, 1887.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act entitled “An Act to prevent persons from unlawfully using and wearing the badge of the Grand Army of the Republic of this State,” is hereby amended to read as follows:

“Section 1. Any person who shall willfully wear the badge of the Grand Army of the Republic, or of any lawful secret society, or who shall use or wear the same to obtain aid or assistance thereby within the State, unless he shall be entitled to use and wear the same under the rules and regulations of the Department of California Grand Army of the Republic, or of such lawful secret society, shall be guilty of a misdemeanor.

“SEC. 2. This Act shall take effect and be enforced from and after its passage.”

Substitute adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 192—An Act to amend Section 312 of the Civil Code, relative to the election of directors of corporations.

Passed on file.

Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases.

Passed on file.

Senate Bill No. 267—An Act to amend Section 3491 of the Political Code of the State of California.

During the second reading of bill, the following committee substitute was read:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 267.

An Act to amend Section 3491 of the Political Code of the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3491 of the Political Code of the State of California is hereby amended so as to read as follows:

"Section 3491. In each reclamation district in this State, formed under this Code or any Statute, there shall be an election every two years, held at such time and place, in or near the district, and after such notice as the Board of Supervisors shall direct; *provided*, that the notice shall not be less than one month, and at such election each *bona fide* owner of land in the district shall be entitled to vote, either in person or by proxy, and shall have the right to cast one vote for each one dollar assessed against said lands, owned by him or her in the district, by the Commissioners of Assessment of said district at the last assessment for reclamation purposes; *provided, however*, at the first election after the organization of the district, each of said land owners shall have the right to cast one vote for each one dollar's worth of real estate owned by him or her in the district, the value thereof to be determined from the next preceding assessment roll of the county. A majority of the votes cast at such election shall elect. In all elections for trustees, every owner of real estate shall have the right to cumulate his or her votes and give to one candidate as many votes as he or she is entitled to cast or to distribute them among as many candidates as he or she shall think fit. The Board of Supervisors to which the petition for the formation of the district was presented shall, upon the application of any land holder in the district, appoint a time and place for holding such election, which election shall be held within sixty days from the time of such application; the place shall in all cases be in or near the district. Notice of such election shall be given by publication for not less than one month in a newspaper in each county in which any portion of the lands of the district are situate, if any newspaper is published therein, and if not, then in a newspaper having general circulation in such county. The trustees elected under the provisions of Section thirty-four hundred and fifty-two shall hold office until their successors are elected under the provisions of this section. For the purposes of such election, the Board of Supervisors of the county in which the whole or the larger part of the lands of any district are situate, must appoint from the land holders of the district one inspector and two judges of election, who shall constitute a Board of Election for such district; but in case the Board of Supervisors shall fail to appoint, or the persons appointed fail to attend at the time and place appointed for the election, the voters present at the time and place of opening the polls may appoint the board, or supply the place of an absent member thereof. Each member of the board must, upon entering upon his duties, be sworn to a faithful performance thereof by some officer authorized to administer oaths. The Board of Election must canvass the votes cast, and issue certificates of election to the persons elected, and must place the ballots when canvassed in an envelope and forward the same, sealed, to the Clerk of the Board of Supervisors. Any legally qualified voter may challenge any vote, and the Board of Election shall determine by oath of the parties or otherwise, as they may think proper, whether or not the person challenged is entitled to vote, and in case of challenge, either one of the Board of Election is hereby authorized to administer oaths. The polls shall be open from ten A. M. until four P. M. In case of vacancy in the Board of Trustees, the Board of Supervisors shall, by appointment, fill such vacancy.

Substitute adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 361—An Act relative to the meeting place of high school boards within municipal corporations.

Read second time, and ordered to engrossment.

Senate Bill No. 139—An Act prohibiting the sale of adulterated cigarettes, and providing a legal sanction.

During the second reading of bill, the following amendment was offered by Senator Taylor.

Amend by adding to Section 1, line 4, the words "in addition to tobacco."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Boyce, the two following bills were re-referred to Committee on Education and Public Morals:

Senate Bill No. 499—An Act entitled "An Act to prohibit the manufacture, or sale, or operation of any mechanical device or machine known as a slot machine, within the State of California."

Senate Bill No. 306—An Act to prevent Sabbath desecration, and to secure a weekly rest day.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 4, 1899.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Sen-

ate Bill No. 218—An Act to amend an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, and compelling all banks to publish sworn statements of unclaimed deposits.

Also: Senate Bill No. 450—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOLFE, Chairman.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until ten o'clock A. M. of Tuesday, February 14, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 14, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Monday, February 13, 1899, was read.

The Journal of Friday, February 10, 1899, was approved.

SPECIAL ORDER.

The reading of the Journal having been dispensed with, the special order heretofore set for consideration at this hour was taken up:

Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

The bill having been read third time on a previous day, and Senator Curtin appointed a special committee of one to amend bill as follows:

By striking out all of lines 19, 20, 21, and 22 of Section 1, page 2, printed bill, after the words "next above."

The question being on the adoption of the report of the special committee of one, which was made on Friday, February 10, 1899, as follows:

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public high-

ways of the State of California—with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

The ayes and noes were demanded by Senators Boyce, La Rue, and Simpson.

The roll was called, and the report of special committee of one and amendment adopted by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Luchsinger, Maggard, Nutt, Prisk, Shortridge, Sims, Taylor, and Trout—23.

NOES—Senators Boyce, Chapman, La Rue, Pace, Rowell, and Simpson—6.

Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 18—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 482—An Act authorizing the Secretary of State to bore a well, furnish and set stand pipes, tanks, filter, and lay pipes in the Capitol grounds—have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by this committee, and that they be referred to Committee on Finance and Claims.

SMITH, Chairman.

Senate Bills Nos. 18 and 482 referred to Committee on Finance and Claims.

IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CURRIER, Chairman.

Senate Bill No. 524 ordered on file for second reading.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 446—An Act to provide a system of drainage for agricultural swamp and overflowed lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAGGARD, Chairman.

Senate Bill No. 446 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 494—An Act authorizing the Board of Supervisors of all counties in this State to refund the indebtedness of said county, to issue bonds therefor, and to provide for the payment of the same.

Also: Senate Bill No. 506—An Act to amend Section 290 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to articles of incorporation.

Also: Senate Bill No. 480—An Act to amend Section 838 of an Act entitled "An Act

to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to transfers of actions from the Justices' Court to the Superior Court.

Also: Senate Bill No. 516—An Act to amend Sections 1726 and 1732 of the Code of Civil Procedure of the State of California, relating to the duties of Public Administrator.

Also: Assembly Bill No. 354—An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.

Also: Assembly Bill No. 399—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 10 thereof.

Also: Assembly Bill No. 352—An Act relating to the disposition of money belonging to deceased inmates of public institutions, supported in whole or in part by State aid, and under the control of boards appointed by the Governor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 478—An Act to amend Section 348 of the Code of Civil Procedure of the State of California, relative to the limitation in which certain actions can be brought.

Also: Senate Bill No. 509—An Act to amend Section 339 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 510—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced.

Also: Assembly Bill No. 28—An Act to amend Section 1086 of the Code of Civil Procedure, relating to the writ of mandate.

Also: Assembly Bill No. 181—An Act to provide for vacating and closing up any park, plaza, public square, or other public reservation, not belonging to the State, and not situated within any municipality.

Also: Assembly Bill No. 358—An Act to amend Section 407 of the Code of Civil Procedure of the State of California, relating to summons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 291—An Act to enable corporations owning property in foreign countries to dispose of the same.

Also: Assembly Bill No. 182—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purposes, and to create a Board of Fire Commissioners, approved March 4, 1881 (Statutes 1881, p. 26), relating to assessing and collecting said taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 138—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes: the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein: the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Assembly Bill No. 444—An Act to amend Section 1444 of the Code of Civil Procedure, in relation to the appraisements of estates of deceased persons.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitutes do pass.

Also: Senate Bill No. 365—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State.

Also: Senate Bill No. 474—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State."

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on County Government and Township Organization.

Also: Senate Bill No. 407—An Act to establish a State Board of Charities and Corrections, prescribing its duties, and appropriating money therefor (with a printed committee substitute therefor)—have had the same under consideration, amended the substitute therefor, and recommend that said substitute do pass as amended.

Also: Senate Bill No. 532—An Act to amend Section 170 of the Code of Civil Procedure, relating to disqualification of Judges—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

GILLETTE, Chairman.

Senate Bills Nos. 494, 506, 480, 516, 478, 509, 510, and 138 ordered on file for second reading.

Assembly Bills Nos. 354, 399, 352, 28, 181, 358, 291, 182, and 444 ordered on special file of Assembly bills.

Senate Bills Nos. 365 and 474 referred to Committee on County Government and Township Organization.

Senate Bill No. 407 referred to Committee on Finance and Claims.

WITHDRAWAL OF BILL.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bill No. 532.

Senate Bill No. 532 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 499—An Act entitled "An Act to prohibit the manufacture or sale or operation of any mechanical device or machine known as a slot machine, within the State of California."

Also: Senate Bill No. 306—An Act to prevent Sabbath desecration, and to secure a weekly rest day: [WHEREAS, Christianity is the common law of the land; and as the people of this State generally regard the Christian Sabbath on the first day of the week as sacred to religious worship, and because the best interests of the State are conserved by Christian morality, which is inseparably connected with the proper observance of the Sabbath.]

Having on Saturday, February 10, 1899, reported these bills back to your honorable body, respectfully request that they be re-referred to this committee, the report, in so far as it concerned the above-mentioned bills, having been at variance with the recommendations of this committee, through a clerical error in the report.

BOYCE, Chairman.

Senate Bills Nos. 499 and 306 re-referred to Committee on Education and Public Morals.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 499—An Act entitled "An Act to prohibit the manufacture or sale or operation of any mechanical device or machine known as a slot machine within the State of California."

Also: Senate Bill No. 306—An Act to prevent Sabbath desecration, and to secure a weekly rest day: [WHEREAS, Christianity is the common law of the land; and as the people of the State generally regard the Christian Sabbath, or the first day of the week, as sacred to religious worship, and because the best interests of the State are conserved by Christian morality, which is inseparably connected with the proper observance of the Sabbath.]

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

BOYCE, Chairman.

Senate Bills Nos. 499 and 306 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 287—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, the deputy clerks, and stenographer of the Clerk of the Supreme Court."

Also: Concurred in Senate amendments to Assembly Bill No. 288—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk, five deputy clerks, and one stenographer of the Clerk of the Supreme Court."

Also: Concurred in Senate amendments to Assembly Bill No. 243—An Act conferring

power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor.

Also: Concurred in Senate amendments to Assembly Bill No. 103—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for nonusers of corporate powers.

Also: Passed Senate Bill No. 12—An Act to prevent the maintenance against the State or any officer thereof, by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county or any officer thereof for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

Also: Passed Senate Bill No. 32—An Act to amend Section 595 of the Civil Code.

Also: Passed Senate Bill No. 65—An Act to add a new section to the Political Code, to be known as Section 793, relating to notaries public.

Also: Passed Committee Substitute for Senate Bill No. 151—An Act authorizing the Attorney-General to settle and dismiss a certain action entitled "The People of the State of California, ex rel. E. P. Colgan, State Controller, Plaintiff, vs J. N. E. Wilson, F. C. De Long, and J. D. Byrnes, Defendants," wherein judgment was obtained against the defendants in the Superior Court of the County of Sacramento, State of California, which action is numbered 5990 in said court (which judgment as against the said J. N. E. Wilson was affirmed by the Supreme Court of the State of California) upon the payment to him for the use of the State of the sum of \$619 93, heretofore paid by said J. N. E. Wilson into the said Superior Court, and upon the further consideration of an assignment by said J. N. E. Wilson to the State of California of all his right, title, and interest in and to any and all of the moneys deposited by the said J. N. E. Wilson as Insurance Commissioner, in the Pacific Bank of San Francisco, and now remaining therein.

Also: In compliance with the request of the Senate, herewith respectfully returns to your honorable body Assembly Bill No. 145—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the land owners before the Commissioners of Assessment, in relation to such assessments.

Also: Passed Assembly Bill No. 375—An Act to amend Section 1281 of the Political Code.

Also: Passed Assembly Bill No. 19—An Act to amend Sections 1083, 1094, 1113, 1115, 1130, 1131, 1169, 1164, 1174, 1187, 1188, 1196, 1197, 1205, 1210, 1211, 1257, 1258, and 1259 of the Political Code, and to repeal Section 1228 thereof, all relating to elections.

Also: Respectfully refused to concur in Senate amendments to Assembly Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII by adding a new section thereto, to be known as Section No. 1½, relating to the exempting from taxation of all buildings used solely and exclusively for religious worship, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings—and appointed Assemblymen Johnson, Works, and Boone a Committee of Conference to meet a like committee from your honorable body to act upon the disagreement between the Senate and Assembly upon the same.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 375 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 19 read first time, and referred to Committee on Judiciary.

Senate Bills Nos. 12, 32, and 65, and Committee Substitute for Senate Bill No. 151, ordered to enrollment.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In compliance with the request of the Assembly, the President pro tem. appointed Senators Wolfe, Ashe, and Gillette a Committee of Conference, to meet a like committee from the Assembly, to act upon the disagreement between the Assembly and Senate, the Assembly having refused to concur in Senate amendments to Assembly Constitutional Amendment No. 6.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred

Senate Bill No. 551—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 136—An Act creating a Governor's Mansion Commission, and providing for the construction and furnishing of a mansion for the Governor of the State of California, and appropriating the sum of \$69,500 for the erection and furnishing of said mansion, for the payment of prizes for competitive plans, for supervision of the construction, for clerk hire, for the contingent expenses of said commission, and directing the State Controller to draw warrants upon the fund so appropriated, and directing the State Treasurer to pay said warrants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

DICKINSON, Chairman.

Senate Bills Nos. 551 and 407 ordered on file for second reading.

Assembly Bill No. 136 ordered on special file of Assembly bills for second reading.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 451—An Act to provide for the formation of new counties, and the appointment and election of officers, the location of county seats thereof, and the adjustment and fulfillment of certain rights and obligations arising between such new formed counties and the county or counties from which they are formed.

Also: Assembly Bill No. 324—An Act to change and permanently locate the boundary line between the counties of Shasta and Lassen.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 275—An Act to change and permanently locate the boundary line between the counties of Shasta and Lassen—have had the same under consideration, and respectfully report the same back, and recommend that the author be requested to withdraw same.

MOREHOUSE, Chairman.

Senate Bill No. 451 ordered on file for second reading.

Assembly Bill No. 324 ordered on special file of Assembly bills for second reading.

WITHDRAWAL OF BILL.

Senator Laird asked for and was granted unanimous consent to withdraw Senate Bill No. 275—An Act to change and permanently locate the boundary line between the counties of Shasta and Lassen.

Senate Bill No. 275 withdrawn and ordered stricken from the file.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Bulla: Senate Bill No. 587—An Act to amend Section 2065 of the Political Code of California, relating to the National Guard and United States Volunteers therefrom.

Read first time, and referred to Committee on Military Affairs.

By Senator Dickinson: Senate Bill No. 588—An Act to amend Section 647 of the Penal Code of California, relating to vagrants.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 589—An Act to amend Section 667 of the Penal Code of the State of California, relating to second offenses after conviction of former offenses.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 590—An Act to amend Section 1111 of the Penal Code of California, relating to the testimony of accomplices.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 591—An Act making an appropriation to pay the claim of the Marin County Tocsin for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 592—An Act making an appropriation to pay the claim of Allen B. Lemmon against the State for publishing proposed constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Cutter: Senate Bill No. 593—An Act to appropriate \$7,500 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State for general distribution, parasitical and predaceous insects, which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this State.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 594—An Act making an appropriation to pay the claim of William O'Brien for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 595—An Act making an appropriation to pay the claim of the Sutter Publishing Company for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Stratton: Senate Bill No. 596—An Act to provide for the laying out, opening, grading, sewerage, curbing, macadamizing or paving, and sidewalking streets within municipalities or cities of five thousand inhabitants or over, and to condemn and acquire any and all land necessary for that purpose.

Read first time, and referred to Committee on Municipal Corporations.

By Senator La Rue: Senate Bill No. 597—An Act making an appropriation to pay the claim of the Napa Journal for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

By Senator Feeney: Senate Bill No. 598—An Act relating to the storage of gunpowder, giant powder, or other combustible material.

Read first time, and referred to Committee on Corporations.

By Senator Shortridge: Senate Bill No. 599—An Act making an appropriation to pay the claim of the San Francisco Bulletin for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 600—An Act making an appropriation to pay the claim of the Mercury Publishing and Printing Company for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

By Senator Doty: Senate Bill No. 601—An Act to repeal an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872; and to repeal an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 9, 1887; and to repeal an Act entitled "An Act to amend Sections 1, 5, 7, 8, 10, and 11 of an Act entitled 'An Act to provide for the redemption

of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 19, 1889.

Read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 602—An Act making an appropriation to pay the claim of the San Francisco News Letter for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

SPECIAL URGENCY FILE.

Senator Smith moved that a special urgency file, in compliance with the resolution adopted on a previous day, be now made up.

So ordered.

The roll was called, and each Senator having the number of his bill ready, gave the same as his name was called, as follows:

Senator Ashe, S. B. 481; Senator Bettman, S. B. 282; Senator Boyce, S. B. 53; Senator Braunhart, —; Senator Bulla, S. B. 6; Senator Burnett, S. B. 134; Senator Chapman, S. B. 7; Senator Currier, S. B. 246; Senator Curtin, S. B. 324; Senator Cutter, S. B. 320; Senator Davis, S. B. 283; Senator Dickinson, S. B. 122; Senator Doty, S. B. 354; Senator Dwyer, S. B. 444; Senator Feeney, S. B. 326; Senator Flint, S. B. 369; Senator Gillette, —; Senator Hall, S. B. 332; Senator Hoey, —; Senator Jones, —; Senator Laird, S. B. 227; Senator Langford, S. B. 339; Senator La Rue, S. B. 300; Senator Leavitt, —; Senator Luchsinger, S. B. 415; Senator Maggard, S. B. 252; Senator Morehouse, —; Senator Nutt, S. B. 473; Senator Pace, —; Senator Prisk, —; Senator Rowell, —; Senator Shortridge, S. B. 327; Senator Simpson, S. B. 27; Senator Sims, S. B. 206; Senator Smith, S. B. 29; Senator Stratton, S. B. 536; Senator Taylor, S. B. 414; Senator Trout, S. B. 362; Senator Wolfe, —.

MOTION TO RECONSIDER.

Senator Nutt, in compliance with his notice given on yesterday, moved that the vote whereby Assembly Bill No. 132—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction—was finally passed, be reconsidered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Currier, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Jones, Langford, La Rue, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Taylor, and Trout—24.

NOES—None.

Assembly Bill No. 132—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

Senator Nutt moved that Senator Smith be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 9, the words "becomes entitled to," and inserting the word "receives."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 132—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for

the form of such satisfaction—with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print.

RESOLUTION.

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That Senate Bill No. 551 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section, requiring that the bill shall be read on three several days in each house, are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

The resolution was read.

The roll was called, and Section 15 of Article IV of the Constitution suspended by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—30.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 551—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of Senate Bill No. 551.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, and Taylor—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 272—An Act making an appropriation to pay the claim of the Bulletin, for advertising the constitutional amendments for the year 1896.

Senate Bill No. 101—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Senate Bill No. 249—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending Section 3 thereof, relating to the enumeration of the inhabitants of a city or town.

Senate Bill No. 231—An Act providing the establishment and maintenance of sewer districts adjacent to municipal corporations.

Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors.

Senate Bill No. 421 (reengrossed)—An Act to amend Section 1195 of the Political Code.

JONES, Chairman.

Senate Bills Nos. 272, 101, 249, 231, and 202 ordered on file for third reading.

Senate Bill No. 421 ordered on file for passage.

MOTION TO RECONSIDER.

Senator Simpson, in compliance with his notice given on yesterday, moved that the vote whereby Assembly Bill No. 308—An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V of the Political Code, relating to the State Library—was finally passed, be reconsidered.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Ashe, Bulla, Hall, Hoey, La Rue, Nutt, Simpson, Sims, Smith, Stratton, and Taylor—11.

NOES—Senators Bettman, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Langford, Luchsinger, Maggard, Morehouse, Pace, Prisk, Rowell, and Trout—19.

At eleven o'clock and forty minutes A. M., the Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

CONSIDERATION OF DAILY FILE.

Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

The bill having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 59 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Feeney, Gillette, Hall, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, and Taylor—27.

NOES—Senator Simpson—1.

Title read and approved.

Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 421 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunnhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, and Trout—29.

NOES—Senators Prisk and Shortridge—2.

Title read and approved.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, having resumed the chair, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United

States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 14, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtir, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, White, Works, Wright, and Mr. Speaker—75.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Monday, February 13, 1899. The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Monday, February 13, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Brauhart, Chapman, Curtin, Doty, Dwyer, Hall, Langford, La Rue, Pace, Prisk, and Sims—12.

Whole number of votes cast by Senators.....	38
W. H. L. Barnes received	4 votes.
R. N. Bulla received	4 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	12 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentee—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Bolshaw, Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—21.
For Irving M. Scott—Mr. Dunlap—1.
For Stephen M. White—Messrs. Boone, Brooke, Caminetti, Cowan, Fairweather, Feliz, Glenn, Hoey, Mead, Meserve, O'Brien, Stewart, E. D. Sullivan, and White—14.
For James D. Phelan—Mr. Burnett—1.
For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	75
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	19 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	21 votes.
Irving M. Scott received	1 vote.
Stephen M. White received	14 votes.
James D. Phelan received	1 vote.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	113
Necessary to a choice	57
W. H. L. Barnes received	11 votes.

M. M. Estee received	1 vote.
R. N. Bulla received	13 votes.
D. M. Burns received	26 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	28 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
John Rosenfeld received	2 votes.
Stephen M. White received	26 votes.
James D. Phelan received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and twenty-one minutes P. M., on motion of Senator Bettman, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Wednesday, February 15, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—32.

Quorum present.

RECESS.

At twelve o'clock and thirty-eight minutes P. M., the hour of recess having arrived, the President pro tem. declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—29.

Quorum present.

LEAVE OF ABSENCE.

At two o'clock and ten minutes P. M., on motion of Senator Boyce, the Committee on Education and Public Morals was granted a leave of absence for one hour.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 118—An Act to regulate the practice of horse-shoeing in the State of California, providing for the registration of

master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

Passed on file.

Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments, and to include propositions.

Read third time, and passed on file.

Assembly Bill No. 117—An Act to amend Section 456 of the Civil Code.

Passed on file.

Assembly Bill No. 42—An Act to amend an Act entitled "An Act authorizing boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Passed on file, but to retain place on file, on motion of Senator Leavitt.

Assembly Bill No. 229—An Act to select and adopt the "golden poppy" as the State flower of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 229 finally passed by the following vote:

AYES—Senators Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, La Rue, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Stratton, and Taylor—22.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 53—An Act to provide for the reorganization of municipal corporations, and for determining the population thereof.

During the second reading of bill, the following amendment was offered by Senator Jones:

Amend Section 1 of an "Act to provide for the reorganization of municipal corporations and for determining the population thereof," by adding to said section, after line 35, page 2, printed bill, the following:

"Provided, that if such canvass of votes on reorganization shall occur within less than thirty-five days prior to the time of a general municipal election in cities of the class into which it has been so voted to reorganize, or within three months after such time, then the said legislative body shall immediately call a special election, to be held within at least six weeks after said canvass of votes, which election shall be in lieu of and be conducted, as far as may be, as by law prescribed for such general municipal elections, and with like effect."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 286—An Act authorizing cities and towns of the sixth class to obtain, by purchase, donation, or devise, lands for cemetery purposes, and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "the sixth class," on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the words "less than first class."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "devise" the words "and dispose of," on line 2, Section 1, page 1, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "lands," on line 3, Section 1, page 1, printed bill, and inserting in lieu thereof, the word "property."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "trustees" the following: "or other governing body," on line 1, Section 2, page 1, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting after the word "trustees" the following: "or other governing body," on line 1, Section 3, page 1, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "city or town," on line 4, Section 3, page 1, printed bill, and inserting in lieu thereof, the word "municipality."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the words "city or town," on line 5, Section 3, page 1, printed bill, and inserting in lieu thereof the following: "municipality."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the words "cities and towns of the sixth class," on line 1 of the title, page 1, printed bill, and inserting in lieu thereof the following: "municipalities of less than the first class."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 157—An Act to prevent the shipment of infected fruits out of the State of California.

Read second time, and ordered to third reading.

Assembly Bill No. 136—An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out all of the title after the words "An Act" and insert in lieu thereof the following: "providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of fifty thousand dollars for the erection and furnishing of said residence and of all expenses connected therewith."

Amendment adopted.

Amend by striking out the words and figures "sixty-nine thousand five hundred dollars (\$69,500)," on line 1, Section 1, first page, printed bill, and insert in lieu thereof the following: "fifty thousand dollars (\$50,000)."

Amendment adopted.

Amend by striking out the word "mansion," on line 4, Section 1, first page, printed bill, and insert in lieu thereof the following: "residence."

Amendment adopted.

Amend by striking out all of Section 2, on page 2, of printed bill, and insert in lieu thereof the following: "Sec. 2. The erection of said residence, the letting of the contracts therefor, and the expenditure of all moneys for the construction and furnishing thereof, shall be under the control and direction of the State Capitol Commissioners."

Amendment adopted.

Amend by striking out the word "mansion," on line 1, Section 3, second page, printed bill, and insert in lieu thereof the following: "residence."

Amendment adopted.

Amend by striking out the words "upon the written application of the Governor's Mansion Commission," in lines 5 and 6, Section 3, second page, printed bill.

Amendment adopted.

Amend by striking out the comma on line 5, Section 3, second page, printed bill, and insert in lieu thereof a period.

Amendment adopted.

Amend by striking out the whole of Section 4, second and third pages, printed bill, and insert in lieu thereof the following: "Sec. 4. The said commission shall let the contracts for the erection of the Governor's residence, and the furnishing of the same, and shall pay all expenses incident thereto. It may employ a superintendent of construction, clerks, or other necessary employes, at salaries to be fixed by the Commission, to be paid out of the appropriation herein provided, and approved by them. It may offer prizes for competitive plans, and the Commission shall be allowed the necessary contingent expenses incurred in the prosecution of its duties, but such salaries, prizes, and expenses, together with the cost of construction and furnishing, shall not in the aggregate exceed the amount herein appropriated. Said appropriation of fifty thousand dollars shall be subdivided and expended as follows: For the erection of the Governor's residence, and the payment for the necessary plans therefor and of all necessary expenses therefor, forty thousand dollars; for the furnishing of the Governor's residence, ten thousand dollars; and in no case shall indebtedness be created by the Commission, or allowed by the State Board of Examiners, for any of the items heretofore mentioned in this section in excess of the amount herein named. And all items of expenditure shall, before payment, be audited by said Commission, and be approved by the State Board of Examiners; and all of the expenses for erection and furnishing said Governor's residence shall be payable out of the appropriation made in this Act."

Amendment adopted.

Amend by striking out the word "mansion," on line 1, Section 5, third page, printed bill, and insert in lieu thereof, the following: "residence."

Amendment adopted.

Amend by striking out the word "mansion," on line 2, Section 6, third page, printed bill, and insert in lieu thereof the following: "residence."

Amendment adopted.

Amend by striking out after the word "California" the punctuation mark, the comma, and the words "and the duties of said Commission shall thereupon be ended," on lines 4 and 5, Section 6, third page, printed bill, and insert in lieu thereof the punctuation mark, the period.

Amendment adopted.

Amend by striking out the words "Governor's mansion," on line 4, Section 7, third page, printed bill.

Amendment adopted.

Amend by striking out the punctuation mark, the period, on line 2, Section 9, third page, printed bill, and insert in lieu thereof the punctuation mark, the colon, and the

following words: "*Provided*, that no contract price nor any portion thereof shall be payable before the first day of January, nineteen hundred."

Amendment adopted.

At two o'clock and fifty minutes P. M., Hon. R. N. Bulla, State Senator from the Thirty-Seventh Senatorial District, in the chair.

Assembly Bill No. 136 read second time, ordered to print and third reading.

Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

During second reading of bill, the following amendment was offered by Senator Morehouse:

Strike out word "fourth" on line 3, Section 1, and insert in lieu thereof the word "third."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 23—An Act to add a new Section to the Penal Code, to be designated as Section 354 $\frac{1}{2}$, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Read second time, and ordered to third reading.

Assembly Bill No. 52—An Act to reduce the number of Judges of the Superior Court of San Bernardino County to one.

Read second time, and ordered to third reading.

Assembly Bill No. 61—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 6 $\frac{1}{2}$, relating to securing claims for labor done and material furnished for improvements under said Act.

Read second time, and ordered to third reading.

Assembly Bill No. 97—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read second time, and ordered to third reading.

At three o'clock and twenty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, resumed the chair.

Assembly Bill No. 98—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' and other liens upon real property.

During the second reading of bill, the following amendments were offered by Senator Bulla:

Amend by striking out all of line 4, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out of Section 1, line 10, the word "as," and inserting the word "at."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 113—An Act to amend Section 1050 of the Code of Civil Procedure of the State of California.

Read second time, and ordered to third reading.

Assembly Bill No. 163—An Act to amend Section 1033 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service and affidavit of bill of costs and motion to relax same.

Read second time, and ordered to third reading.

Assembly Bill No. 207—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read second time, and ordered to third reading.

Assembly Bill No. 400—An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures.

Senator Shortridge moved to make the consideration of the bill a special order for Thursday evening at eight o'clock.

POINT OF ORDER.

During the discussion of the motion, Senator Bulla arose and made the following point of order: "That the time for the consideration of Assembly bills had expired, and therefore the further consideration of Assembly bills, or motions pertaining thereto, were out of order."

The President pro tem. decided the point of order well taken.

Senator Boyce moved that Assembly messages be taken up.

So ordered.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 45—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Also: Concurred in Senate amendments to Assembly Bill No. 302—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.

Also: Concurred in Senate amendments to Assembly Bill No. 273—An Act to amend Sections 2, 3, 4, and 5 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Adopted Assembly Concurrent Resolution No. 13—Approving the charter of Santa Barbara, etc.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

SUSPENSION OF RULES.

On motion of Senator Boyce, the rules were suspended for the purpose of considering Assembly Concurrent Resolution No. 13, without its reference to committee.

ASSEMBLY CONCURRENT RESOLUTION No. 13,

Approving the Charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California; voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 20th day of September, 1898.

WHEREAS, The City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, is now, and was at all times herein referred to, a city containing a population of more than 3,500 inhabitants, and less than 10,000 inhabitants; and

WHEREAS, At a general municipal election duly held in said city on Monday, April 4, 1898, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was, on the 30th day of June, 1898, signed in duplicate by all the members of said board of fifteen freeholders, and was, on said last-named day, returned, one copy thereof to the Mayor of said city, and the other to the County Recorder of Santa Barbara County; and

WHEREAS, Such proposed charter, together with the two alternative propositions, were then published in one daily newspaper of general circulation in said city, to wit, the Morning Press, for more than twenty days, and the first publication was made within twenty days after the completion of said charter; and

WHEREAS, Within less than thirty days after the completion of said charter, as required by said Section 8, Article XI of said Constitution, to wit, on the 20th day of September, 1898, said charter and said alternative propositions were submitted by the legislative authority of said City of Santa Barbara, to wit: the Mayor and Common Council thereof, to the qualified electors of said city, at a special election previously duly called, and then held therein, for the purpose of ratifying or rejecting said proposed charter, and for adopting or rejecting alternative proposition No. 1, or alternative proposition No. 2, published with said charter, and presented with said charter for the choice of said voters, and to be voted on separately, said alternative proposition being as follows:

Alternative Proposition No. 1.

Section 18. The Mayor shall be entitled to receive as his compensation for all his official duties the sum of \$600 per annum, and each member of the Council be entitled to receive for his services the sum of \$360 per annum.

Alternative Proposition No. 2.

Section 18. The Mayor and members of the Council shall receive no compensation whatever for their services; and

WHEREAS, The returns of said election were duly canvassed by the said Mayor and Common Council of said City of Santa Barbara, at a meeting held on the 26th day of September, 1898 (which such meeting was duly convened); and

WHEREAS, At said special election, a majority of such qualified electors of said city, voting at such special election, voted in favor of a ratification of such charter, as proposed as a whole; and alternative proposition No. 1 (allowing compensation to the Mayor and Council), was also ratified at the same time and in the same manner, and received a majority of the votes of the qualified electors of said city, voting at such special election, and thereupon became Section 18 of Article III of said proposed charter; said alternative proposition No. 2 being rejected, and failing to receive a majority of the votes cast by the electors at such special election; and

WHEREAS, Said Mayor and Common Council, after canvassing said returns, duly found and declared that a majority of such qualified electors, voting at such special election, had voted for and ratified said charter, and had also voted for, adopted and ratified said alternative proposition No. 1; and

WHEREAS, Said charter as so constituted by its ratification as a whole, and by the ratification of said alternative proposition No. 1, is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of said State; and

WHEREAS, The said charter so ratified is in words and figures following, to wit:

CHARTER FOR THE CITY OF SANTA BARBARA.

Prepared and proposed by the Board of Fifteen Freeholders, elected April 4, 1898, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

ARTICLE I.

BOUNDARIES AND WARDS, RIGHTS AND LIABILITIES, AND CORPORATE POWERS.

SECTION 1. The municipal corporation now existing, known as the City of Santa Barbara, shall continue to be a municipal corporation under the name of "City of

Santa Barbara," and its territory shall continue to consist of the same territory that is contained within its present boundaries, to wit: Commencing at the southwest intersection of Robbins and Mission streets; thence running northeast on the westerly line of Mission Street to the northern boundary of the pueblo lands of Santa Barbara, as established by the final survey and patent of said lands by the Government of the United States; thence easterly on the said boundary line to a point opposite the easterly line of Salinas Street; thence southeast along the course of Salinas Street to the intersection of Salinas and Carpenteria streets; thence along the easterly line of Salinas Street to a point in the Santa Barbara Channel, one half mile distant from the shore; thence westerly, parallel with and one half mile distant from the shore, to a point opposite the southwest line of Robbins Street; thence northwest, following the direction of the southwest line of Robbins Street, to place of beginning. Said boundaries may be changed and other territory added to the city in such manner as may be provided by law.

SEC. 2. The City of Santa Barbara is hereby divided into seven wards, numbered consecutively from one to seven, inclusive, the respective boundaries of which shall be as follows, to wit:

1. The First Ward shall embrace all that portion of the city which is situated southeast of the middle line of Cota Street and northeast of the middle line of Anacapa Street.

2. The Second Ward shall embrace all that portion of the city which is situated southeast of the middle line of Cota Street and southwest of the middle line of Anacapa Street.

3. The Third Ward shall embrace all that portion of the city which is situated between the middle line of Cota Street, the middle line of Cañon Perdido Street, and northeast of the middle line of State Street.

4. The Fourth Ward shall embrace all that portion of the city which is situated between the middle line of Cota Street, the middle line of Cañon Perdido Street, and southwest of the middle line of State Street.

5. The Fifth Ward shall embrace all that portion of the city which is situated between the middle line of Cañon Perdido Street, the middle line of Sola Street, and northeast of the middle line of State Street.

6. The Sixth Ward shall embrace all that portion of the city which is situated between the middle line of Cañon Perdido Street, the middle line of Sola Street, and southwest of the middle line of State Street.

7. The Seventh Ward shall embrace all that portion of the city which is situated northwest of the middle line of Sola Street.

SEC. 3. 1. The said City of Santa Barbara shall continue to have, hold, and enjoy all property, real and personal, archives, records, revenue, rights of property, and rights of action of every nature and description, belonging or appertaining to the present City of Santa Barbara; and it shall be subject to all the obligations and duties of the existing municipality.

2. Suits, actions, and proceedings may be brought in the name of the corporation for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, said corporation, whether made or arising or accrued before or after the adoption of this charter; and all existing suits, actions, and proceedings in the county or elsewhere, to which said corporation is a party, shall continue to be carried on by or against said corporation.

SEC. 4. Said corporation shall have power:

1. To make and use a corporate seal and the same to alter at pleasure.

2. To sue and defend in all actions and proceedings whatever.

3. To have perpetual succession.

4. To acquire, receive, hold, and enjoy real and personal property within and without its territory, necessary or convenient for municipal purposes, or for the exercise of the powers granted to said corporation, and sell, convey, and dispose of the same for the common benefit.

5. To receive bequests and gifts of all kinds of property, either within or without its corporate territory, in fee simple, or in trust for charitable or other public purposes, and do all acts necessary to carry out the purposes of such gifts, bequests or trusts.

6. And in addition to such other powers as are enumerated in Section 43, in Article IV of this charter, to be delegated for their exercise to the Council, it shall have power upon a two thirds affirmative vote of the electors thereof:

(a) To create indebtedness not exceeding in all ten per cent of the assessed valuation of the property of the inhabitants of the territory of the corporation made for the purposes of taxation.

(b) To levy taxes exceeding the limit permitted in this charter to be levied by the Council.

(c) And it shall have power, upon the majority vote of the electors thereof, to levy special taxes to establish and maintain kindergarten, manual training, and high schools, and to erect school buildings.

ARTICLE II.

OFFICERS AND ELECTIONS.

SEC. 5. Elections to be held in said city, for the purpose of electing officers of said city, and for all other purposes, are of two kinds:

First—General municipal elections.

Second—Special municipal elections.

SEC. 6. General municipal elections shall be held biennially, on the first Tuesday in December, commencing with the first Tuesday in December, 1899.

SEC. 7. At each general election there shall be elected a Mayor, seven members of the Council, City Clerk (who shall be ex officio Auditor and Assessor), City Treasurer (who shall be ex officio City Tax Collector), Police Judge, City Attorney, School Trustees as hereinafter provided, and five Trustees of the Public Library.

SEC. 8. The non-elective officers of the City of Santa Barbara shall consist of a Chief of Police and a City Engineer, who shall be ex officio Superintendent of Streets.

SEC. 9. All general and special municipal elections shall, in all respects as nearly as may be, be held and conducted in accordance with the provisions of the law of the State for the holding of general elections in effect at the time, and the Council shall make all the necessary arrangements for holding said elections in accordance therewith.

SEC. 10. The Council of said city shall, by ordinance, order the holding of elections. Such ordinance shall specify the objects and time of, and the place or places within the limits of each ward for holding such election, and the names of the inspectors, judges of election, clerks, and ballot clerks for each ward, or precincts of each ward, as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election. Said ordinance shall be published daily in some daily newspaper printed and published in said city, for at least fifteen days next before the time appointed for the holding of the election.

SEC. 11. Returns of all elections shall be made to the Council, who shall, within ten days thereafter, either at a regular or special meeting, and in accordance with the laws of the State, canvass the returns, and declare the result thereof, and order certificates of election to be issued by the City Clerk to the persons so declared elected.

SEC. 12. The officers elected at a general municipal election, except School Trustees, who are hereinafter provided for, shall, after they have qualified as provided for in this charter, enter upon the duties of their respective offices on the first Monday in January next succeeding their election, and shall hold office for the term of two years, and until their successors are elected and qualified. Officers elected at any special election to fill a vacancy shall, after qualifying as herein provided, enter at once upon the duties of their offices, and shall hold office for the remainder of the term and until their successors shall have been elected and qualified.

SEC. 13. The present officers of the city shall continue to hold and exercise their respective offices until the first Monday in January, 1900, and thereafter until the election or appointment and qualification of the first officers to be elected or appointed under this charter.

SEC. 14. In establishing election precincts, the Council shall make them correspond with the wards into which the city is divided; *provided*, that the Council may divide any ward into two or more precincts.

SEC. 15. Only such persons residing in the city whose names appear upon the Great Register of Santa Barbara County at the time of any municipal election shall be entitled to vote at such election; and to this end and extent, said Great Register is hereby adopted as the register of voters in and for the city.

SEC. 16. The qualifications of an elector at any election held in said city in pursuance of this charter shall be the same as those prescribed by the laws of this State for electors at any general State election in force at the time of such election.

SEC. 17. The certificate of election issued by the City Clerk must be authenticated with the seal of the city and attested by the City Clerk. No other authentication shall be necessary.

ARTICLE III.

SALARIES, BONDS, AND QUALIFICATIONS OF OFFICERS.

SEC. 18. (This section shall be in the language of whichever alternative proposition shall be adopted by the vote of the people at the election at which this charter is submitted.)

SEC. 19. The other officers and employés of the city shall receive compensation as follows:

City Clerk, and as Auditor, \$900 per annum; and for his compensation as Assessor, \$75 per month for four months each year, commencing with the month of March.

City Engineer, for all services as such, and as Superintendent of Streets, \$1,200 per annum.

Chief of Police, \$1,000 per annum.

City Attorney, \$1,200 per annum.

Police Judge, such fees as are now or may hereafter be provided by law for Justices of the Peace in the County of Santa Barbara for similar services.

Treasurer, \$300 per annum and an additional compensation as Tax Collector of \$300 per annum, and five per cent on all license taxes collected.

School Trustees and Trustees of the Free Public Library shall receive no compensation whatever for their services as such trustees; *provided*, that the Secretary of the Board of Education may receive a compensation for his services as such secretary, to be fixed by said board, at not exceeding \$20 per month.

SEC. 20. The salaries of all other officers, and compensation of all employés other than those herein named, except where otherwise expressly provided in this charter, shall be fixed by ordinance by the Council.

SEC. 21. All salaries shall be payable in equal monthly installments, except as herein otherwise provided.

SEC. 22. Every officer provided for in this charter shall, within ten days after receiving his certificate of election or appointment, qualify by filing a bond as hereinafter provided, and by taking and subscribing to the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the State of California, and that I will faithfully discharge the duties of the office of (insert name of office) according to the best of my ability."

SEC. 23. The following-named officers shall execute to the City of Santa Barbara bonds in the following sums, respectively, conditioned for the faithful discharge by them of the duties of their respective offices, and the following sums, respectively, to wit:

City Clerk (ex officio Auditor and Assessor), \$5,000.

Treasurer and Tax Collector, \$40,000.

City Attorney, \$5,000.

City Engineer, \$5,000.

Chief of Police, \$5,000.

Police Judge, \$500.

The bonds of all officials, after approval by the City Attorney as to form, shall be approved by the Mayor and Council.

All such bonds shall be executed by at least two sureties for the full amount of the bond; *provided*, that any corporation authorized by the laws of this State to become surety on official bonds shall be accepted as sole and sufficient surety upon such bonds; *and provided further*, that when the penal sum of any bond herein required to be given amounts to more than \$1,000, the sureties may become severally liable for portions of not less than \$500 thereof, making in the aggregate at least two sureties for the whole penal sum.

The bond of the City Clerk shall be filed with the Mayor, and all other bonds shall be filed with the City Clerk.

SEC. 24. The Council may, by ordinance, increase the amount of the bond hereby required from any officer, but may not decrease the same, and may require a bond to be given by any officer not herein required to give a bond, and may fix its amount.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SEC. 25. The legislative power of the City of Santa Barbara shall be vested in a Council of seven members, whose term of office shall be two years; *provided*, that such legislative power shall be exercised subject to the veto power of the Mayor, and to his right to the casting vote in case of a tie vote.

SEC. 26. One member of the Council shall be elected from each of the several wards of the city by the electors thereof; and no person shall be eligible to the office of Councilman who has not resided in said city for three years prior to his election and is not twenty-five years of age.

SEC. 27. Any vacancy occurring in the office of Councilman shall be filled by appointment of the Mayor, and the person so appointed by him shall possess the qualifications hereinbefore prescribed for members of the Council, and shall hold office until the election and qualification of his successor, which election shall take place at the next succeeding general municipal election.

SEC. 28. The Council shall meet in the City Hall of the city on the first Monday in January succeeding their election, and at such other times as may be designated by ordinance. If at any time a regular meeting falls on a holiday, such regular meeting shall be held on the following day. Special meetings may be called by the Mayor or four members of the Council. Four members of the Council shall constitute a quorum, and the affirmative vote of four members shall be necessary for the passage of an ordinance or the final transaction of any business, but a less number than four may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may by ordinance prescribe.

SEC. 29. The Council shall elect one of its members, who shall be styled the President of the Council, and who shall preside at all meetings of the Council during the absence of the Mayor, and shall, in case of the sickness or inability of the Mayor, or his absence from the city, act as Mayor of the city.

The President of the Council shall be ex officio chairman of the Finance Committee, and shall, together with two other members of the Council, to be appointed by the Mayor, constitute the Finance Committee of the Council.

The Council shall establish rules for its proceedings. It shall have power to punish its members for disorderly conduct committed in its presence, and may expel any member for malfeasance in office by an affirmative vote of five of its members. It shall have the power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience of its subpoena, or contemptuous or disorderly conduct committed in its presence, by fine not exceeding \$50, or imprisonment not exceeding ten days, or by both such fine and imprisonment.

SEC. 30. The President of the Council, the chairman of each committee, and each and every elective officer shall have the power to administer oaths and affirmations relative to any business brought before the Council, or under consideration by its committees or their respective departments.

SEC. 31. The meetings of the Council shall be held at the City Hall of the city; they shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal in

the final action upon the granting of franchises, making of contracts, ordering work to be done or supplies furnished, the ordering of assessments for street improvements or building of sewers, the passage of any ordinance, and in all other cases upon the call of any member.

SEC. 32. The enacting clause of all ordinances shall be in these words: "The Council of the City of Santa Barbara do ordain as follows."

SEC. 33. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be reenacted at length as amended.

SEC. 34. Every ordinance shall embrace but one subject, which shall be clearly expressed in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SEC. 35. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next regular meeting of the Council. No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

SEC. 36. No ordinance shall be passed except by bill. Every bill, after it has passed the Council, shall be duly authenticated by the Clerk, and shall then be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days (Sundays excepted) after receiving it. If he approves it, he must sign it, and the same shall then become an ordinance; but if he shall disapprove of it, he shall return it, with his objections in writing, to the Council. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

SEC. 37. When a bill is returned without the approval of the Mayor, the Council must cause the objections of the Mayor to be entered upon its journal and proceed to reconsider and vote on the same. If, after such consideration, the bill is again passed by an affirmative vote of not less than five members, it shall take effect as if the Mayor had approved the same. If the bill shall fail, on being so considered, to receive five affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the journal of the Council.

SEC. 38. All ordinances must be published in some daily newspaper published in Santa Barbara at least once before going into effect.

SEC. 39. No ordinance passed by the Council shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

SEC. 40. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, street sweeping, or for lighting streets, public buildings, places or offices, or the supplying of water for the use of the municipality, in any of its departments, shall be made for a longer period than one year, nor shall any contract be made to pay for gas, electric lights, or any other illuminating material, nor for the supplying of water for the use of the municipality, in any of its departments, at a higher rate or rates than is charged to any other consumer. The erection, improvement, and repair of all public buildings and works, street and sewer work, and the furnishing of supplies or material for the same, and all purchases of other supplies used by the city, when the expenditure therefor exceeds one hundred dollars, shall be by contract let to the lowest responsible bidder, after notice in a daily newspaper, printed and published in the city for at least one week. Such notice shall distinctly and specifically state the work contemplated or the supplies required; *provided*, that the Council may reject any and all bids presented, and readvertise, in its discretion.

SEC. 41. The Council shall, during the first year after its organization under this charter, cause all ordinances then in force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinances, without charge and every citizen applying for a copy shall be entitled to the same at the cost of publication. The Council shall, every four years after the publication as herein provided, cause all the subsequent ordinances at that time in force to be compiled, and shall publish the same subject to the terms and conditions herein expressed.

SEC. 42. All contracts must be in writing, executed in the name of the city and by an officer authorized to execute the same. The form and legality of all contracts must be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the Finance Committee, numbered, and filed.

SEC. 43. The Council shall have power by ordinance:

1. To establish or alter the widths and grades of, and to open, lay out, alter, extend, close, straighten, and otherwise regulate streets, avenues, alleys, lanes, and sidewalks and crosswalks upon the same; and in or over any plaza, park, or grounds belonging to or under the control of the city, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the Council may adopt.
2. To regulate or prohibit traffic and sales in streets, highways, and public places, and to regulate the use thereof by persons, associations, and corporations; to prevent encroachment upon or obstructions to the same, and to require the removal of such obstructions, and to regulate the construction of entrances to cellars and basements from sidewalks.

3. To establish and maintain a pole-line system or system of underground conduits in the city; to compel all telegraph, telephone, electric light, and other companies, cor-

porations, firms, associations, or persons using wires to place and maintain their wires thereon, or therein, and to regulate the use and to fix the rental thereof, and to provide for the collection of the same from all corporations, companies, firms, associations, or persons using the same.

4. To regulate the naming of streets, avenues, public places, and thoroughfares, and the numbering of houses thereon.

5. To establish a general system of sewers in the city, and to regulate the building and repairing thereof.

6. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, and cleaning and watering of the streets.

7. To regulate dispensaries, hospitals, markets, and other public institutions.

8. To provide for the construction, maintenance, regulation, and repair of bridges and public places.

9. To fix and regulate tolls and wharfage.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, and determining the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration of existing buildings within such limits, and for restricting the height of buildings or structures.

11. To abate and remove nuisances.

12. To provide and maintain a morgue.

13. To provide for conducting elections, establishing or changing election precincts, and appointing the necessary officers.

14. To try and for cause remove from office appointees against whom charges have been preferred.

15. To regulate or prohibit the sale, keeping, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosive materials and substances, the places of their manufacture, or storage, and their transportation; and to regulate the storage of hay, straw and other inflammable materials, and the use of steam boilers.

16. To regulate, restrict and supervise, and for the purpose of such regulation, restriction and supervision, to specially tax the storage, manufacture, and sale of explosives, acids, poisons, or inflammable materials; the manufacture of products giving rise to noxious odors or gases; the sale of intoxicating liquors; the keeping or slaughtering of animals.

17. To regulate the keeping and use of animals, to prevent or regulate the running at large of any animals; to establish a pound; to authorize the impounding of animals found running at large, and to authorize the sale, disposition, or destruction thereof.

18. To provide for the public printing.

19. To provide suitable rooms and buildings for the courts, boards, and officers of the city, and such furniture, fuel, lights, books, stationery, and other supplies of any kind as are or may be necessary for the convenient transaction of public business.

20. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cess-pools and vaults; to compel the connection, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done; to provide for the removal of all rubbish, garbage, refuse matter, and all material detrimental to the public health, and at such times as it will be best for the public good.

21. To license hackney coaches, cabs, omnibuses, drays, carts, and other vehicles used for hire, and to regulate their stands and rates of fare, and to license, regulate, or suppress runners for railroads, steamboats, taverns or hotels, and to regulate and license the business of peddlers, auctioneers, the sale of intoxicating liquors, and all shows and exhibitions of lawful games, and to fix the rate of license upon the same. The Council shall have no power to require the payment of licenses for the privilege of conducting any business or occupation in the city other than such as are specified in this charter.

22. To regulate the entrances to and exits from theaters, lecture-rooms, public halls, churches, and public buildings, of every kind, and the manner and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles, in the halls, aisles, or open places therein.

23. To establish, maintain, and regulate a fire alarm, police telegraph, and police telephone.

24. To provide general regulations as to the quality, capacity, and location of water and gas pipes, mains, and fire plugs, and to provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, pumps, and other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

25. To require every railroad company or corporation to keep in repair between the tracks, and for the distance of two feet upon each side of the tracks, all streets occupied or used by such company or corporation.

26. To provide for the lighting of streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain, and operate a system of lighting by artificial means of illumination.

27. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

28. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter; and to fix and regulate the charges and fees of all such officers, where the charges, fees, and duties are not otherwise fixed, and to compel the payment of all such charges into the city treasury.

29. To create, control, regulate, abolish, or prohibit cemeteries; to sell or lease lots in those created; to control and regulate interments within the city limits, and to provide for removing human remains from the city.

30. To provide and maintain a city prison, and to provide for the care, custody, feeding, and clothing of city prisoners.

31. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

32. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within the city.

33. To provide for supplying the city and its inhabitants with water, and to construct, develop, purchase, lease, own, control, maintain, and operate its own water supply.

34. To regulate the use and sale of gas and electric lights, and fix and determine the price of gas and electric lights, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones, and telephone service, and connections; and the removal and placing under ground of any and all telegraph, telephone, or electric light wires, or upon the pole line or in the underground conduits established by the city.

35. To grant or extend, for a period not exceeding twenty-five years, franchises for street railways, to the bidder therefor, of the greatest percentage of the gross receipts, payable monthly; bidders for such franchises may bid percentages to increase progressively with the lapse of time, and such increases may be made contingent on increases in the population of the city, and to fix rates of fare, not exceeding five cents for each passage, on such railways, conditional that the rate of fare so fixed shall provide, when desired by the person paying such fare, a continuous passage in one general direction through the whole territory of the municipality, by the requisite transfers with connecting lines, where such exist, operated under franchise similarly conditioned.

36. To provide and maintain all public buildings, parks, or squares, necessary or proper, for the use of the city, and to acquire lands therefor, and for other public uses, within or without the city.

37. To provide for the execution of all trusts confided to the city.

38. To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for State and county purposes.

39. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

40. To regulate all parades, processions, and public assemblages upon the streets, and to determine what parades, processions, and public assemblages thereon shall not be lawful, and to declare the same a nuisance.

41. To maintain and regulate, subject to the provisions of this charter, the fire, health, and police departments, hereby established.

42. To make all ordinances, by-laws, rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general law in said city.

43. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws or provisions of this charter.

44. The Council shall have power by ordinance, and it shall be its duty to fix and determine annually the rates of compensation to be collected by any person, firm, company or corporation in the city for the use of water supplied to the city, or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

45. The Council shall have the power to provide, by ordinance, music for public entertainment.

ARTICLE V.

EXECUTIVE DEPARTMENT.

The Mayor.

SEC. 44. The Mayor shall be the chief executive officer of the city. He shall be at least thirty years of age, and shall have been a citizen of the State and a resident and qualified elector of the city for the five years next preceding the day of his election.

SEC. 45. The Mayor is the presiding officer of the Council, and shall have the casting vote in case of a tie; he must sign the journal of the Council, and all warrants on the City Treasurer.

SEC. 46. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they may execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, boards, officers, and persons in the employ and service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers, and persons are kept in a legal and proper form; any official defalcation or neglect of duty, or official misconduct which he may discover, or which shall be reported to him, shall

be laid by him before the Council, City Attorney, or District Attorney of the county, in order that the public interests shall be protected and the person in default proceeded against according to law. He shall from time to time communicate to the Council in writing a statement of the affairs of the city, and shall recommend such measures connected with the public health, cleanliness, and ornament of the city, the improvement of the government, and finances, and other matters as he may see proper or beneficial to its interests. He shall see that the laws of the State relating to this city, the provisions of this charter, and the ordinances of the city are observed and enforced.

SEC. 47. He shall appoint a competent person or persons, expert in matters of book-keeping and accounts, to examine the books, records, condition, and affairs of every department, board or officer, at least once in every year, and shall enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor for malfeasance in office. He shall have the general supervision of all the departments and public institutions of the city, and see that they are honestly, economically and lawfully conducted.

SEC. 48. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized to use and command the police force, or, if such police force is insufficient it shall be his duty to call upon the Governor for military aid in the manner provided by law, in order that such riots or tumults may be properly and effectively suppressed.

SEC. 49. The Mayor may call special meetings of the Council. He shall be duly notified by the City Clerk of all special meetings of the Council when called by its members, and the time and place of all regular and special meetings of the standing or special committees thereof, and shall have the right and privilege of being present at all such meetings.

SEC. 50. The Mayor shall, on the first of each and every quarter, together with the City Attorney and Chairman of the Finance Committee, count the cash in the city treasury and see whether it corresponds with the books of the Treasurer, and report the result of such count to the Council at their first meeting thereafter.

SEC. 51. The Mayor shall see that all contracts and agreements with the city are faithfully kept and fully performed, and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons, companies, or corporations failing to fulfill their agreements or contracts either in whole or in part. It shall be the duty of every officer and person in the employ and service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any officer, has been or is about to be violated by the other contracting party, to report forthwith to the Mayor all facts and information within his possession concerning such matters, and a willful failure so to do shall be cause for the removal of such officer or employé as in case of malfeasance in office.

SEC. 52. The Mayor shall have general supervision over all city officers; he shall have power to suspend any appointed officer for dereliction, neglect, or non-performance of duty, and shall report the same to the Council. The Council, after investigating the charge against such officer, may continue the suspension for such time as they deem proper, or they may declare the office vacant, and such vacancy shall be filled as provided for by the provisions of this charter.

SEC. 53. The Mayor shall appoint all officers of the city whose election or appointment is not otherwise provided for in this charter.

SEC. 54. When a vacancy occurs in the office of Mayor it shall be filled for the unexpired term by the Council assembled for that purpose. The person elected shall possess the qualifications hereinbefore prescribed for Mayor, and a member of the Council during the term for which he has been elected or appointed shall be ineligible to fill such vacancy.

SEC. 55. The Mayor shall exercise such other powers and shall perform all such other duties as may be prescribed by this charter or by ordinance.

City Clerk.

SEC. 56. The City Clerk shall also be ex officio Auditor and ex officio Assessor. He shall have been a citizen of the State, and a resident and qualified elector of the city for at least five years next preceding the day of his election. He shall have the custody and be responsible for the corporate seal, and all books, papers, records, and archives belonging to the city, not in actual use by other officers, or otherwise by special provision committed to their custody. He shall be present at each meeting of the Council during its sessions, and keep a journal of all its proceedings.

SEC. 57. He shall keep separate books, in which he shall record respectively ordinances, contracts, and official bonds. He shall keep all his books properly indexed and open to public inspection, when not in actual use. He shall perform such other duties as are or shall be imposed by this charter or by ordinance.

As Auditor.

SEC. 58. He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what

purpose any money was expended, and also all collections made and paid into the treasury by each officer, or any other person.

SEC. 59. He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom paid. He shall, upon the deposit of the receipt of the City Treasurer for money paid into the city treasury, charge the City Treasurer with the amount received by him, and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public moneys at any time in the city treasury not by law or ordinance specifically apportioned or appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation.

SEC. 60. He shall make out, sign, and deliver to the proper officer all licenses. He shall report to the Council at the first regular meeting in each month the condition of each fund in the city treasury. He shall keep a record of all demands against the city, and shall draw a warrant for the same on the City Treasurer and countersign the same after such demand shall have been duly audited and allowed as hereinafter in this charter provided.

SEC. 61. He shall on or before the first day in August in each year make and present to the Council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of, first, the revenue from other sources than taxation; second, the itemized expenditures; third, the itemized amounts necessary to be raised by taxation for each fund. He shall perform such other duties as shall be required of him by this charter or by ordinance.

As Assessor.

SEC. 62. It shall be his duty to prepare on or before the first Monday in July of each year and present to the Council with his certificate of its correctness, a list of all the real and personal property within the city, taxable for municipal purposes, with the true valuation thereof, which said assessment list shall conform as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; to be present at all sessions of the Board of Equalization mentioned in this charter; to furnish to said board such information as may be required, and to perform such other services in reference to the assessment of property in the city or otherwise appertaining to his office as the Council shall require or direct. During the sessions of the Board of Equalization the Assessor shall enter upon the assessment list all the changes and corrections made by the board, and may assess and add to the said list any property in such city not previously assessed, after written notice to the owners of such property.

SEC. 63. He shall make or procure to be made all the necessary abstracts to be used in making up the assessment of property within the city, and after the taxes have been duly levied by the Council, shall make the proper calculations, and extend upon the assessment book the amount of taxes due from each person, firm or corporation, and deliver said books to the City Tax Collector, so completed, on or before the first Monday in October of each year, and at the expiration of his term of office he shall deliver to his successor in office, all books, maps, plats, descriptions of property, and all other things appertaining to his office. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are or may hereafter be conferred by law upon County Assessors.

City Treasurer.

SEC. 64. The Treasurer shall be ex officio Tax Collector; he shall have been a citizen of the State and a resident and qualified elector for at least five years next preceding the day of his election.

SEC. 65. As Tax Collector it shall be his duty to receive and collect all the city taxes, general and special; he shall also collect all city licenses, and such other branches of the city revenue not otherwise herein provided for, as the Council may direct. He shall keep proper books showing all the moneys collected by him as Tax Collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be at all reasonable times subject to public inspection; and do and perform such other duties as may be required of him by this charter or ordinance of said city. He shall pay all moneys collected by him as Tax Collector into the city treasury, weekly.

SEC. 66. As Treasurer it shall be his duty to receive and keep all moneys that shall come to the city by taxation, or otherwise, and to pay the same out on demands legally audited in the manner provided by this charter or ordinance of this city; and without such auditing he shall disburse no public moneys whatever, except salaries, and the principal and interest on the municipal debt, when payable. He shall keep an account of all his receipts and expenditures under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of all his receipts and expenditures of the preceding month, and shall do all things required of him by this charter or ordinance of said city. As soon as suitable vaults and safes are provided the Treasurer shall not thereafter, under any circumstances, deposit with or loan to any person, corporation, or bank, any of the moneys of the city, or allow the same (except in payment of demands against the city) to pass out of his custody.

City Attorney.

SEC. 67. The City Attorney must have been admitted as practitioner before the Supreme Court of this State, and must have been in the regular practice of law for the period of five years next preceding his election to such office; he must have been a resident of this city for five years next before his election. It shall be his duty to prosecute in behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested; *provided*, the Council shall have control of all litigation of the city, and may employ other attorneys to take charge of any such litigation, or to assist the City Attorney therein. He shall give his advice or opinion in writing whenever required by the Mayor, Council, Board of Education, or other city officers; he shall be the legal adviser of all city officers; he shall approve the form of all bonds given to, and all contracts made with, the city; he shall, when required by the Council, or any member thereof, draft any and all proposed ordinances for the city, and shall do and perform all such things touching his office, as by the Council or Mayor may be required of him.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SEC. 68. The judicial power of this city shall be vested in a Police Court.

SEC. 69. The Police Court shall have exclusive jurisdiction of the following offenses committed within the corporate limits of said city:

1. Petit larceny. 2. Assault or battery not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill. 3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding \$500 or by imprisonment not exceeding six months, or by both such fine and imprisonment; and 4. Of proceedings respecting vagrants, lewd or disorderly persons.

The Police Court shall also have exclusive jurisdiction:

1. Of all proceedings for the violation of any ordinance of the city, both civil and criminal. 2. Of any action for the collection of taxes and assessments levied for city purposes; or for the erection or improvement of any school-house or public buildings; for the laying out or opening or improving any public street or sidewalk, lane, alley, bridge, wharf, pier, or dock; or for the purchase of or the improvement of any public grounds; or for any and all public improvements made and ordered by the city within its limits, when the amount of the tax or assessment sought to be collected against the person assessed is less than \$300; but no lien upon the property taxed or assessed for the non-payment of the taxes or assessment can be foreclosed in any such action. 3. Of any action for the collection of money due to the city, or from the city to any person, when the amount sought to be collected, exclusive of interest and costs, is less than \$300. 4. For the breach of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party or is in any way interested; and upon all forfeited recognizances given to or for the benefit or in behalf of the city; and upon all bonds given upon any appeal taken from the judgment of the court in any action above named where the amount claimed, exclusive of costs, is less than \$300. 5. For the recovery of personal property belonging to the city, when the value of the property (exclusive of the damages for the taking or detention) is less than \$300; and 6. Of actions for the collection of any license required by any ordinance of the city.

SEC. 70. In the exercise of his jurisdiction the Police Judge may punish persons guilty of contempt of court and may issue warrants of arrest, subpoenas, venire, writs, executions, attachments, and all other processes necessary and proper, and may administer oaths.

SEC. 71. In all cases in which the Judge of the Police Court is a party or in which he is interested, or in which he is related to either party by consanguinity or affinity within the third degree, and in case of his sickness, absence, or inability to act, any Justice of the Peace of the County of Santa Barbara may, at the written request of the said Police Judge, act in his place and stead.

SEC. 72. The Judge of the Police Court shall keep a record of the proceedings of the said court in all matters and cases before said court and shall pay weekly into the city treasury all fines collected. He shall on the first Monday of each month file with the City Clerk an exact and detailed account in writing, upon oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all forfeitures and all the moneys by him collected on behalf of the said city.

SEC. 73. The said city shall furnish a suitable room for said court at which the said judge shall remain from nine o'clock A. M. until ten o'clock A. M. of each judicial day, and such further time as shall be necessary to dispose of all business properly coming before said court.

SEC. 74. The said city shall also furnish the necessary dockets and blanks for the use of said court; said court shall always be open except on non-judicial days, and also on such days for such purposes as are or may hereafter be by law required of other courts of the State on non-judicial days.

ARTICLE VII.

REVENUE AND TAXATION.

SEC. 75. The Council shall annually fix the rate of taxation to be levied, and the levy of taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxation so levied shall not exceed in any one year one dollar on each one hundred dollars of the assessed value of the property in the city according to the assessment roll of such year, exclusive of the amount necessary for the payment of the principal and interest of the bonded debt of the city, and exclusive of any special tax authorized by vote of the electors as in this charter provided.

SEC. 76. The Council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the funded obligations of the city, if any, and the several departments requiring municipal expenditure, including a general fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned accordingly, and no transfers shall be made except of balances in excess, or from the general fund to meet deficiencies, or to provide for the redemption of city bonds, if any.

SEC. 77. Except as in this charter otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments, the collection of taxes, the sale of property for unpaid taxes, and the redemption of property sold for taxes shall be made and had in the form and manner and with like effect, as now or may hereafter be provided by law for the assessment of property, equalization of assessments, levy and collection of taxes, and sale of property for unpaid taxes for State and county purposes, and redemption thereof, and to that end:

First—All powers and duties so by law conferred or imposed upon the County Assessor are hereby conferred and imposed upon the City Assessor.

Second—All powers and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred and imposed upon the Council.

Third—All powers and duties so conferred or imposed upon the District Attorney are hereby conferred and imposed on the City Attorney.

Fourth—All powers and duties so by law conferred or imposed upon the County Treasurer or upon the County Tax Collector are hereby conferred and imposed upon the City Treasurer and ex officio Tax Collector.

Fifth—All powers and duties so by law conferred or imposed upon the County Clerk, County Assessor, or County Auditor are hereby conferred upon the City Clerk.

SEC. 78. The City Assessor must make the abstract provided for in Section 3678 of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the City Assessor to apportion the valuation of such instrument to be assessed in the city, and assess the same accordingly. The City Assessor shall be governed as to the amount of taxes to be by him collected on personal property by the city rate of the previous year.

SEC. 79. Every tax due upon personal property is a lien upon the real property of the owner thereof; every tax due upon real property is a lien against the property assessed, and every tax due upon improvements upon real property assessed to others than the owners of the real estate is a lien upon the land and improvements, and which said several liens attach as of the first Monday of March in each year at twelve o'clock meridian.

SEC. 80. Whenever the Council shall determine that public interest requires the construction, or acquisition, or completion of any permanent municipal building, work, sewer, property, water or light system, wharves, or improvements, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in one year, they may by ordinance submit a proposition to incur a debt for such purpose, and proceed therein as provided in Section 18 of Article XI of the Constitution and general law of this State; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issued therefor shall be sold for less than par value, and to the highest bidder after advertising for sealed proposals therefor. And no indebtedness or liability shall be incurred by the city in any manner or for any purpose exceeding in any year the income and revenue provided for it for such year without the assent of two thirds of the qualified electors thereof voting thereon at an election to be held for that purpose.

ARTICLE VIII.

POLICE DEPARTMENT.

SEC. 81. There shall be a Chief of Police, who shall be a qualified elector of the city, not less than twenty-five years of age, and who shall be appointed by the Mayor, and shall hold office during the pleasure of the appointing power.

SEC. 82. The Chief of Police shall have command and control of the police force, subject to the general supervision of the Mayor. He shall have power to suspend any policeman for disobedience of any lawful order, for the violation of the rules of the department, neglect of duty, drunkenness, or misconduct as a policeman; and he shall, upon suspending a policeman, promptly certify the fact with the cause thereof to the Mayor, who shall forthwith report the same in writing, together with the charges pre-

ferred against such policeman, to the Council, and if such policeman shall be found guilty by the Council he shall be dismissed from the police force.

SEC. 83. The Chief of Police shall observe and cause to be observed and enforced all laws and ordinances within the city, and shall see that all lawful orders and processes of the Council and Police Court within the city are promptly executed. For the suppression of any riot, public tumult, disturbance of the peace, unlawful assembly, organized resistance to the laws or public authorities in the performance of their duties, or in arresting persons for the public offenses, he shall have all the powers that are or may be hereafter conferred upon Sheriffs by any law, and all his lawful orders shall be promptly executed by the police officers. In addition to the powers and duties herein enumerated, the Chief of Police shall have such other powers and perform such other duties pertaining to the police department as may from time to time be conferred or imposed upon him by ordinance.

SEC. 84. The Chief of Police shall keep a public office to be provided by the Council, which office shall be open and at which he or a police officer shall be in attendance at all hours, day and night. The Chief of Police shall devote his entire time to the discharge of the duties of his office, and shall not absent himself from the city, without urgent necessity, unless in pursuit of persons who have committed public offenses within the limits of the city. If such absence from the city be upon any other than business immediately connected with his office, except on vacation (and then only by written consent of the Mayor, filed with the City Clerk), he shall forfeit his salary for the time of such absence, and the proper amount shall be deducted from his next salary warrant by the City Clerk.

SEC. 85. There shall be a captain of police selected from the police force by the Mayor, who, in the absence of the Chief of Police, shall have command and control of the police force, and who shall perform such other duties and have such other powers pertaining to the police department as shall be required of him by the Chief of Police, or from time to time be imposed or conferred on him by ordinance. The term of office of captain of police shall be during the pleasure of the appointing power.

SEC. 86. In addition to the Chief of Police, there shall be a permanent police force, which shall consist of such number of policemen as the Council shall, from time to time, by ordinance, authorize to be appointed. They shall be appointed by the Mayor and shall hold office during good behavior, unless removed for cause or for the improvement of the public service, as in this charter provided. The Chief of Police may appoint from the police force a jailer. No person shall be appointed to any position in the police force of the city unless he shall be a man of good moral character and of good repute for honesty and sobriety, a citizen of the United States, and a resident and elector of the city for at least one year preceding his appointment. Nor shall any person be so appointed who has ever been convicted of a felony, or who is unable to understandingly read and write the English language, or who is deficient in health, strength or courage; and (except those in service on the police force at the time this charter takes effect) every appointee hereafter shall be not less than twenty-five nor more than forty-five years of age, and must, before being appointed, present to the Mayor a certificate of the City Physician that the applicant is in sound health and free from any physical disability that would incapacitate him from the duties of a policeman.

SEC. 87. Whenever the Council shall deem it expedient a patrol system may be provided for the use of the police department, which system shall include horses, wagons, and all electric or other appliances necessary for the operation of such system.

SEC. 88. Except as otherwise in this charter prescribed, the Mayor in making appointments of members of the police force shall be guided by the fitness of the applicant, and no person shall be appointed to or removed from the police force on account of his political or religious opinions. No member of the police department shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any officer, member or employé in said department violating any of the provisions of this section shall forfeit his position.

SEC. 89. No member of the police force shall be allowed to receive any money, gratuity, or compensation for any service he may render as an officer, except rewards which have been publicly offered for the apprehension or conviction of criminals, without the written consent of the Mayor, first filed with the City Clerk, and any member of the police force who shall violate this provision shall be at once removed from office. The members of the police force shall not follow any other calling, profession or business, but shall devote their entire time to the performance of their official duties; nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except for the yearly vacation provided by general law.

SEC. 90. The members of the police force shall promptly and fully obey, enforce, observe, and cause to be obeyed and enforced and observed all lawful orders of their superiors, and all rules and regulations of the police department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders, with or without warrant, the suppression of all riots, affrays and breaches or disturbances of the peace, in the abatement of public nuisances and the enforcement of the laws and city ordinances. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all ordinances of the city, and with all laws of the State defining public offenses and regulating criminal proceedings.

SEC. 91. In addition to the regular police force, the Mayor may at times of public

emergency appoint special policemen, who shall serve for such time as is designated in their appointment and who shall also receive the same rate of compensation for their services as is paid to regular policemen.

SEC. 92. The Mayor may also, upon the petition of any firm, person, or corporation, appoint at any time a special policeman for special services, to be paid for by such person, firm, or corporation; *provided, however*, that the locality where such special policeman is to act shall be described in the warrant of appointment. The policeman so appointed shall receive no pay from the city. All special policemen shall possess the powers and discharge the duties of regular policemen and be under the direction of and control of the Chief of Police, and be subject to and obey all rules and regulations of the police department. The term of office of any special policeman shall be at the pleasure of the appointing power and shall cease with the office of the appointing power.

SEC. 93. The Council may prescribe the badge of office and uniform to be worn by members of the police force.

SEC. 94. The members of the police force shall receive such salaries as the Council may by ordinance prescribe.

ARTICLE IX.*

FIRE DEPARTMENT.

Board of Fire Commissioners.

SEC. 95. The Board of Fire Commissioners shall consist of: first, the Mayor; second, the Chief Engineer of the fire department; and third, the Chairman of the Finance Committee of the City Council.

SEC. 96. Said Board of Fire Commissioners shall have full control of the fire department and the fire alarm system of said city.

SEC. 97. It shall be their duty to see that the city is properly supplied with all the necessary appliances and apparatus for the extinguishment and prevention of fires; to order the placing of hydrants, fire-alarm boxes and cisterns for said purposes; to provide means for the proper handling and hauling of said apparatus, and to construct buildings for the proper housing of the same; to draft and prescribe rules and regulations for the government of said department and to see that the same are carried into effect; to employ or dismiss any member thereof; *provided*, that said dismissal shall be only for cause; to fix the compensation of the members of said department and of all employes connected therewith.

SEC. 98. They shall act as fire wardens and shall see that the ordinances of the city regulating the fire limits, the construction of buildings, and the storage of combustible materials and explosives within the city are enforced and carried into effect.

SEC. 99. They shall furnish the City Council on or before the day set for fixing the yearly tax levy with an estimate of the amount of funds necessary for the fire department for the ensuing year, and it shall be the duty of the Council to include in said tax levy a sufficient and proper amount for the successful conduct of such department and the payment of the expenses thereof, which tax when collected shall be set aside as a separate fund for the support and maintenance of said department.

SEC. 100. All bills against said fund must be approved by the Chief Engineer of the department, in writing, before being presented to said board, who, upon approval, shall direct the clerk of said board to draw a warrant upon the aforesaid fund for the same.

SEC. 101. The Mayor shall be the presiding officer of said board.

SEC. 102. The City Clerk shall act as clerk of said board without any additional compensation therefor.

SEC. 103. Said board shall meet at least once each month, and the members thereof shall serve without compensation.

SEC. 104. The Chief Engineer of the Fire Department shall be elected by ballot by the members of the volunteer department at an election to be held for such purpose on the first Monday in January in each year; *provided, however*, that if said volunteer fire department shall become disorganized, or from other cause shall fail to elect such Chief Engineer, the Mayor shall appoint a Chief Engineer to fill such vacancy.

ARTICLE X.

HEALTH DEPARTMENT.

SEC. 105. There shall be a health department under the management of the Board of Health. Said board shall consist of five members, namely: the Mayor, who shall be ex officio a member and president of said board, and the City Engineer, who shall be ex officio a member of said board, and three citizens, who shall be appointed, without regard to their political opinions, by the Mayor, within fifteen days after the commencement of his term of office. The Mayor shall not have the right to vote unless in case of a tie. Each appointed member of the board shall be a duly licensed physician, in accordance with the laws of the State of California, and a qualified elector of the city for two years immediately preceding his appointment. Said members shall serve without compensation, except the member serving as Health Officer, who shall receive such compensation as the Council shall prescribe.

SEC. 106. The term of office of the appointed members of the board shall be for two years, and until their successors are appointed and qualified, said term to commence upon the date of their appointment; *provided*, that those members first appointed shall

so classify themselves to allow that one of them shall go out of office at the end of one year, and two at the end of two years. If any appointed member fails to qualify within ten days after his appointment, such appointment shall be void and a new appointment shall be made for the unexpired portion of the term of said member.

SEC. 107. Regular meetings of the Board of Health shall be held once a month, and special meetings when called by the president, or any three members, and all meetings shall be public. Three members shall constitute a quorum.

SEC. 108. Said Board of Health, subject to the ordinances of the city, shall have supervision of all matters pertaining to the sanitary condition of the city.

SEC. 109. The Council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt, and all expenses necessarily incurred by the Board of Health in carrying out the provisions of law and of this charter shall be provided for by the Council.

SEC. 110. The Board of Health, within two weeks from the time of its organization, shall elect from among their number a City Physician, who shall also act as Health Officer and Secretary of the Board of Health. Said City Physician shall not be less than thirty years of age, a licensed physician for not less than two years, and actually engaged in the practice of his profession in said city; he shall hold his office during the pleasure of the Board of Health, and must see that the laws and ordinances of the city, in relation to the public health, and the regulations and orders of the Board of Health are properly enforced. He shall keep a full record of all the transactions of the Board of Health, as well as all records appertaining thereto, and, by himself, or his deputy, issue all permits for burials, or removals in any of the cemeteries, and no interments shall be made therein unless said Health Officer is satisfied of the correctness and reliability of the certificate of death presented for his inspection; he shall have the powers of a police officer, and shall make an extended and annual report to the Board of Health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and other recommendations in relation to the sanitary condition of the city as he may deem proper. It shall be his duty to examine and inspect all nuisances, privies, vaults, cesspools, buildings, and low places within the city limits, with a view to the enforcement of all the laws and regulations relating to sanitary matters, and to cause the arrest of and vigorous prosecution of persons violating any of said regulations.

SEC. 111. The Board of Health may cause to be removed to a smallpox hospital or pesthouse, any persons in said city affected with the smallpox, Asiatic cholera, or yellow fever. When a case of either of these diseases exists in any house, and the person so affected is not removed to said hospital or pesthouse, the Health Officer, upon order of said Board of Health, shall immediately place a quarantine flag on said premises and may place a competent person in charge thereof, who shall see that the quarantine is strictly enforced so long as public safety requires.

SEC. 112. The board may proclaim such quarantines and declare such quarantine districts and grounds, and the boundaries thereof, as may in their judgment be necessary for the preservation of the public health.

SEC. 113. No person shall deposit in any cemetery the body of any human being who has died within the city, or remove the same from within the limits of the city, without having first obtained and filed with the Health Officer a certificate signed by a physician or Coroner, setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date and locality, and cause of death of deceased, and obtain from the Health Officer a permit in writing therefor for burial or other purposes. Physicians, when deaths occur in their practice, must give the certificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the Coroner. No body of a human being who has died within the limits of the city, and no body or remains of a deceased person exhumed or taken from any grave, vault, or other place of burial or deposit within or without the city, shall be transported in or through the streets or highways of the city, unless the person or persons transporting such body or remains shall first obtain from the Health Officer a permit in writing therefor, which shall accompany the body or remains.

SEC. 114. In addition to the powers and duties in this article enumerated, the board shall have such other powers and perform such other duties as may be prescribed by ordinance of the Council or by general law.

ARTICLE XI.

PUBLIC WORKS.

SEC. 115. If at any time the city shall become the owner of any water supply or any plant or system for illumination, or shall decide to provide or construct such supply, plant or system, there shall be a department to be known as the waterworks department, or the lighting department as the case may be, and the Mayor shall appoint three citizens of the city to be commissioners of such department. They shall hold their office for the term of three years, and shall serve without compensation; *provided*, that in the first appointments the terms shall be for one, two, and three years, respectively, to be designated in the notice of appointment by the Mayor.

SEC. 116. Such commissioners shall, in their respective departments, have the full control and management of such water supply, or such plant or system of illumination, and of the construction, extension, alteration, and repair thereof, and of the collection of

revenue therefrom, under such regulations by ordinance as the Council may, from time to time, enact.

SEC. 117. The Council shall designate, by ordinance, the officers and employes of such department and their respective duties and compensation; but when once fixed, such compensation shall not be altered without the recommendation of the majority of the commissioners.

SEC. 118. The commissioners shall appoint all officers and employes of their department. They may remove temporary employes at will, but shall not remove appointees to permanent positions provided by ordinance, except for cause or for the improvement of the public service.

SEC. 119. No person shall be appointed to any position in any department created under this article, unless he be a man of good moral character, and of good repute for honesty and sobriety, a citizen of the United States, and a resident and elector of the city for at least two years next preceding his appointment. Nor shall any person be so appointed who has ever been convicted of a felony, or who is deficient in health, strength, and activity.

SEC. 120. The commissioners, in making appointments, shall be guided solely by the fitness of the applicants, and no person shall be appointed to or removed from any position on account of partisanship or political or religious opinions.

SEC. 121. No officer or employe in any department created under this article shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, nor take any part in any general or primary election, except to vote; and any officer or employe in such department violating any of the provisions of this section shall forfeit his position.

SEC. 122. The commissioners shall exercise general supervision over their department, and make such rules for the government and discipline of the officers and employes thereof as may be necessary to secure efficiency. All contracts for work and materials must be made by the commissioners in the manner provided in this charter for making contracts, and must be approved by the Council, and all payrolls and accounts before being paid by the Council shall first be passed upon by the commissioners, who shall thereupon certify them to the Council for payment.

City Engineer.

SEC. 123. The City Engineer shall have been a citizen of the State, and a resident and qualified elector of the city, at least two years next before his appointment.

In addition to other duties imposed upon him by this charter, or ordinances of the Council, the City Engineer shall:

1. Make all surveys, inspections, and estimates required by the Council.
2. He shall examine all public work done under contract, and report thereon in writing to the Council.
3. He shall, on application of any person owning or interested in real property in said city, for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor.
4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.
5. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.

Street Superintendent.

SEC. 124. As Street Superintendent, the City Engineer shall have the general care of and frequently inspect the streets of the city, and shall see that all traveled streets are kept in good repair. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall superintend all public works pertaining to street improvements, while the same are in course of construction; inspect and approve or reject all material used in such construction, whether done under contract or otherwise, and shall at once report to the Council, in writing, all deviation from contracts and use of any improper material and bad workmanship in such works, and shall have power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

ARTICLE XII.

EDUCATIONAL DEPARTMENT.

SEC. 125. The school department of said city shall comprise all the public schools of Santa Barbara school district, primary, grammar and high school, and the manual training and kindergarten schools, as now established, and as the same may hereafter be consolidated, enlarged or discontinued.

SEC. 126. The government of the school department of the city shall be vested in a Board of Education, to consist of five members, to be called School Trustees, each of whom shall be a citizen of the United States over the age of thirty years and shall have been a resident of the city for the period of not less than three years prior to his election.

Said trustees shall be elected at the first regular election held under this charter, and shall hold office for the term of four years, and until their successors are elected and qualified; *provided, however*, that said trustees so elected after the first election after the adoption of this charter, shall so classify themselves by lot that the term of two of them shall be for two years, and of three for four years, and thereafter alternately, at the regular municipal election, there shall be elected, respectively, two and three members of said Board of Education.

SEC. 127. The School Trustees shall meet on the first Monday in January after their election and organize by electing one of their number president, and another secretary, whose terms of office shall be two years each. The board shall hold regular meetings at least once in each month, at such time and place as shall be determined by its rules. Special meetings of the board may be called by the president or any two members of the board by written notice served upon each member of the board, stating the purpose of such special meeting. Said notice shall be served at least one day before such meeting; *provided*, that notice by mailing to any member at least two days before the meeting shall be deemed equivalent to personal service on such member. A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary to pass any measure. The sessions of the board shall be public, and the record open to public inspection. The board may determine the rules of its proceedings, and the ayes and noes shall be taken when demanded by any member, and entered upon the records of the board. Any vacancy occurring in the board shall be filled, until the next municipal election, by appointment by the Mayor of the city.

SEC. 128. The powers and duties of the Board of Education are, as follows:

1. To establish and maintain public schools, including kindergarten, high schools, sloyd and manual training schools; to change, consolidate and discontinue the same.

2. To manage and control the school property.

3. To employ, pay, and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow and order paid their salaries or compensations, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election or employment of a teacher or other person employed by the board shall be construed as a contract as to any duration of employment beyond the time of dismissal of such teacher or other person.

4. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

5. To establish and regulate the grade of schools and determine the course of study, the mode of instruction, and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the board shall not be changed within a period of four years after its adoption.

6. To provide for the school department all necessary supplies, including ink, pens, tablets, registers, blank reports, promotion cards, crayons, writing paper, rulers, pencils, diagrams, maps, globes, chemical and mechanical apparatus, and certificates of graduation, fuel and lights, and incur such other incidental expenses as may be necessary for the welfare of the department.

7. To build, alter, repair, rent, and provide school-houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

8. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property as may have been, or that may be hereafter, acquired for the use and benefit of the public schools of the city, and to make conveyance of all such real estate sold by the Board of Education; *provided* that no real estate shall be bought, sold, or exchanged without the concurrence of four fifths of the members of the board; and *provided further*, that the proceeds of such sale of real estate or personal property shall go into the special school fund of the city in the county treasury.

9. To grade, fence, and improve all school lots.

10. To sue for any and all lots, land, and property belonging to or claimed by said school department; and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, land, and property.

11. To prohibit any children under six years of age from attending the public schools, except that in the kindergarten younger children may be received.

12. To examine and allow, in whole or part, every demand payable out of the school funds, or to reject any such demand for good cause.

13. To admit non-resident children to any of the departments of the schools, upon the payment, at such time as the board may direct, of tuition fees to be fixed by the board.

14. To dispose of, at public or private sale, such personal property as shall be no longer required by the department.

15. To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

16. To furnish books for children of parents unable to furnish them, and all books so furnished shall belong to the city, and shall be kept in the libraries of the schools when not in use.

17. To use and apply the school funds of the city for the purposes herein named, and for no other purposes whatever.

18. And generally to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said board.

Sec. 129. It shall be the duty of the board to prescribe a course of study that will fit and prepare the students therein to enter any of the departments of the State University. Such course shall be known as the high school course.

Sec. 130. Each member of the board shall visit every school in the city at least twice in each term, and examine carefully into its management, condition, and wants.

Sec. 131. The Board of Education shall select a City Superintendent of Schools, whose term of office shall be four years unless sooner removed for cause by vote of a majority of the members, after a full investigation. The City Superintendent of schools shall give his time and attention to the duties of his office, subject to the regulations of the Board of Trustees.

Sec. 132. The City Superintendent of Schools and teachers of the public schools shall be experienced teachers and shall possess the qualifications required by the Board of Education of Santa Barbara County, and such other qualifications as this Board of Education may prescribe. The disobedience of any proper order or regulation of the Board of Education by any person holding a position under appointment or election in this department shall be deemed good cause for dismissal or removal.

Sec. 133. It shall be the duty of the Board of Education to call an election and submit to the voters of the school district whether the bonds of said district shall be issued and sold for the purpose of raising money for purchasing school lots, for building or purchasing one or more school-houses, for insuring the same, for supplying the same with furniture and necessary apparatus, for improving the grounds, or for liquidating any indebtedness already incurred for said purposes, whenever in their judgment it is advisable, or whenever petitioned by a majority of the heads of families residing in said district, so to do. Such election shall be called and said bonds shall be issued in accordance with the school law of this State.

Sec. 134. All contracts for building shall be awarded to the lowest bidder therefor, furnishing adequate security, to be determined by the board, after due public notice, published daily for not less than ten days in one daily paper of the city. Said board, however, shall reserve the right to reject any and all bids.

Sec. 135. Any member of the Board of Education, or any person officially connected with the school department, or drawing a salary from the board, who while thus drawing such salary, upon investigation by the board, or by any special committee that may be appointed by the Council, shall be found to be interested directly or indirectly in, or to have gained any advantage or benefit from any contract, payment, or any purchase of any kind which have been, or are to be made in any part from moneys derived from the school fund or raised by taxation or otherwise, for the support of the public schools, shall forfeit his office, and the board shall thereupon declare such office vacant.

Sec. 136. The Board of Education shall estimate the amount necessary in their judgment to carry on for the next school year those departments of the public schools not now provided for by the general law, and shall report the same to the Board of Supervisors of the County of Santa Barbara in the manner provided by law, in case of levy of special school tax.

Sec. 137. The board shall cause to be prepared in January and July of each year, and filed in the office of the City Clerk, a tabulated statement showing the income and resources of the school department, and the general expenditures for such school purposes, together with such other information as will show the general condition of the schools, and the work accomplished by the department for the previous six months.

Sec. 138. The Public School Fund of said city shall consist of all moneys received from the State and county school fund; of all moneys arising from taxes which shall be levied for school purposes; of all moneys arising from the sale, rent, or exchange of any school property; and of such other moneys as from any source whatever may be paid into the school fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes, under the provisions of this charter; and if at the end of the fiscal year any surplus remains in the school fund, such surplus money shall be carried forward to the school fund of the next fiscal year, and no part of the school fund shall be for any purpose, or in any manner whatever, diverted or withdrawn from any such fund, except as in this charter provided.

Sec. 139. All claims payable out of the school fund shall be filed with the secretary of the board, and shall be approved by a majority of all members of said board, upon a call of ayes and noes, which shall be recorded. After claims have been approved, as herein mentioned, the secretary of said board shall draw a requisition upon the County Superintendent of Schools for the payment thereof, which requisition shall be signed by the president, and countersigned by the secretary. All demands for salaries of teachers and compensation of janitors shall be payable monthly in the same manner, without presentation of claims therefor.

Sec. 140. All demands authorized by this article and by the Board of Education, approved as aforesaid, shall be paid as provided by the general school law.

Sec. 141. The member of said board acting as secretary thereof shall receive for his services as such secretary a salary to be fixed by the Board of Education not exceeding \$20 per month, and such salary shall be in full payment for all services rendered by him.

Sec. 142. The City Attorney shall be the attorney of the board, and shall not receive

any compensation for services rendered or to be rendered to the board, other than or in addition to his salary as such City Attorney.

SEC. 143. The school year shall consist of forty weeks.

SEC. 144. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and Council, incur extraordinary expenditures in excess of the annual limit provided by this charter for repair, construction, and furnishing of school houses: and the Council may, by ordinance, cause to be transferred to the school fund from moneys in any other fund not otherwise appropriated sufficient moneys to liquidate such extraordinary expenditures.

SEC. 145. The Board of Education succeeds to all the property, rights, and obligations of the School Trustees of Santa Barbara school district heretofore existing.

ARTICLE XIII.

PUBLIC LIBRARIES.

SEC. 146. There shall be maintained in the City of Santa Barbara free public libraries and reading-rooms as provided for by an Act of the Legislature of this State, entitled "An Act to establish free public libraries and reading-rooms," approved April 26, 1890, and such other Acts of the Legislature as may be amendatory thereof or supplemental thereto.

SEC. 147. The public library and reading-room created and existing under the provisions of said Act, and known as the "Santa Barbara Free Public Library," is hereby continued in existence, and shall be free of access to all residents of said city and the general public, subject to such rules and regulations for the government and management thereof as may from time to time be adopted by the Board of Trustees thereof.

SEC. 148. The Board of Trustees thereof shall consist of five members, to be elected at the regular municipal election, and shall hold office for two years, or until their successors are elected and qualified.

ARTICLE XIV.

CLAIMS AND DEMANDS.

SEC. 149. All claims and demands whatever against the City of Santa Barbara, except salaries, interest coupons on bonds, and bonds of the funded debt, shall be paid only on demands as herein provided for.

SEC. 150. Said demands, except demands payable out of the library fund, and fire department fund, shall be presented to the Council on forms or blanks to be provided by the City Clerk, and shall be referred to its committee on finance. The said committee shall, by its indorsement thereon, approve or reject the same in whole or in part. The Council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; but may, if it so determine, approve in part or reject the whole. The action of the Council shall be indorsed thereon, with the date of such action, and certified with the signatures of the Mayor and City Clerk.

SEC. 151. All demands approved by the Council shall be delivered to the City Clerk, who shall thereupon draw a warrant therefor upon the City Treasurer, which shall be signed by the Mayor and countersigned by the City Clerk.

SEC. 152. No demand can be approved, audited or paid unless it specify each several item, with the date and amount thereof, nor unless it be subscribed by the claimant or his, her, or its agent, and sworn to before some other authorized to administer oaths.

SEC. 153. No payment can be made from the city treasury or out of the public funds of said city unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited" as used in this charter with reference to the demands upon the treasury is understood to mean that said demands have been presented to, passed upon and approved as herein provided, and this must appear upon the face of the paper representing the demand or else it is not audited.

SEC. 154. The City Clerk must number and keep a record of all demands on the treasury which have been duly approved, showing the number, date, amount, the name of the original and present holder, on what account allowed and out of what fund payable.

SEC. 155. Every lawful demand upon the treasury, duly audited as in this charter required, shall in all cases be paid on presentation, and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay said demand, then it shall be registered in a book kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of original holder, on what account allowed, and out of what fund payable, and being so registered shall be returned to the party presenting it with an indorsement of the word "registered," dated and signed by the City Treasurer. All registered demands shall be paid in the order of their registration, and shall bear interest at the rate of five per cent per annum from date of such registration.

SEC. 156. All public moneys collected by any officer or employé of the city shall be paid into the said treasury without any deduction on account of any claim for fees, commissions, or any other cause or pretense, and the compensation of any officer,

employé, or other person so collecting money shall be paid by demands upon the treasury, duly audited as other demands are audited and paid.

SEC. 157. No suit shall be brought upon any claim for money or damages against the City of Santa Barbara, until the demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city upon any such claim or demand if the same shall be in whole approved and audited as provided herein: *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to, or right to maintain any other proceeding against the said Council or any board or officer of said city to compel them or him to act upon said demand or claim, or to pay the same when so audited.

ARTICLE XV.

MISCELLANEOUS PROVISIONS.

SEC. 158. All grants of franchises or privileges by the Council shall be awarded to the highest bidder in pursuance of the general laws of this State, nor shall any such franchise or privilege have any validity unless the person or persons to whom the same is made shall, within six months thereafter, actually and in good faith, commence the exercise or enjoyment of the same; *provided*, that where condemnation of property is necessary, condemnation proceedings commenced and diligently prosecuted shall be deemed the exercise of the franchise or privilege. Whenever any franchise or privilege shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and said franchise or privilege, or the part thereof, so in disuse, shall no longer be used or enjoyed. When, in the exercise of any franchise or privilege, use has been made in any way of any street or alley of the city, such street or alley shall be put in good repair, and the materials or obstructions which have been placed therein in the exercise of such franchise or privilege shall be removed therefrom, at the expense of the person or company who has held such franchise or privilege, whenever the franchise or privilege is abandoned or falls into disuse.

SEC. 159. Any person, except as otherwise in this charter provided, holding a salaried office under this city, whether by election or appointment, who shall during his term of office hold or retain any lucrative office under the Government of the United States or of this State or of the County of Santa Barbara, shall be deemed thereby to have vacated the office held by him under the city government. No person holding any office under the city government shall be eligible to election or appointment to any other office under said city government.

SEC. 160. No member of the Council, or of any board provided for by this charter, and no officer or employé of the city, shall be or become directly or indirectly interested in any contract, work, or business, the consideration, price, or profits of which are payable in whole or in part from the city treasury or school funds and are determined or in any way directly affected by any official act of said Council, board, officer, or employé, or in the sale of any article, the price of which, or the purchase of which by or for the city, or by or for the public schools thereof, depends directly or indirectly upon any official act of such Council, board, officer, or employé. No member of the Council or of any board provided for by this charter and no officer or employé of this city having any authority or power relating to or affecting the granting of any franchise, right, or privilege, shall be or become directly or indirectly interested in any such franchise, right, or privilege. Any member of the Council or of any board herein mentioned and any officer or employé of the city violating the provisions of this section shall forfeit his membership or office or employment; and all contracts made, or rights, franchises, or privileges granted in violation of this section shall be absolutely void.

SEC. 161. No officer of the city shall be, or become a surety, on any bond given to the city, or to any person for the benefit of the city, nor shall any officer or employé of the city, give or promise to give, any person any portion of his compensation, or any money, or thing of value, or any position, in consideration of having been or being nominated, appointed, voted for, or elected to any office or employment under the city. No officer of the city shall, while in office, accept any donation or gratuity in money or in anything of value, either directly or indirectly, from any subordinate employé, or from any candidate or applicant for any position under him. Any person violating the provisions of this section shall forfeit his office and employment under the city, and be forever disqualified from holding any position in the service of the city.

SEC. 162. All books and records of every officer and department shall be open to the inspection of any citizen at any time during business hours. Copies and extracts from such books and records, duly certified, shall be given by the officer having the same in custody, to any person demanding the same, upon paying or tendering ten cents per folio of one hundred words.

SEC. 163. All streets, lanes, alleys, places and courts in said city now open and dedicated, or which may hereafter be opened and dedicated to public use, shall be kept in repair, so that the same shall be in good passable condition; and it shall be the duty of the Street Superintendent to keep all said streets, lanes, alleys, places and courts within the city limits in good repair, at the expense of the city.

SEC. 164. No office shall be created in addition to those provided for by this charter, unless by ordinance regularly adopted by the Council. Whenever in the judgment of

the Council no necessity exists for the continuation of any appointive office created or provided for by this charter, said Council, by an ordinance for that purpose, may discontinue such office; *provided, however*, the Council shall not have power to abolish or discontinue the office of Chief of Police or the office of City Engineer.

SEC. 165. All officers, deputies, clerks, and assistants of the city, and of the several departments thereof, must be citizens of the United States, and during their respective terms of office or employment must reside in the city, and where not otherwise provided for must, with the exception of the City Superintendent of Schools and teachers of the public schools, have been residents of the city one year next preceding their election or appointment. They, and each of them, shall perform such duties as may be required of them, respectively, by law, ordinance, or this charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased during the term of their respective offices or employment, except as in this charter provided.

SEC. 166. If any officer of the city shall remove from the city, or absent himself therefrom for more than thirty days, consecutively, without the permission of the Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within time required by this charter, or shall resign, or be convicted of felony or of malfeasance in office, or be adjudged insane, his office shall be and become vacant, and such vacancy shall be filled as in this charter provided.

SEC. 167. All books, papers, plats, charts, records, files, and stationery, made or made use of, by any officer or employé of the city, in the performance of his official duties, shall be deemed and considered as belonging to the city, and shall be delivered to his successor in office, who shall give duplicate receipts in writing therefor, one of which receipts shall be filed with the City Clerk.

SEC. 168. No officer or employé in any department of the city government shall ever be removed on account of his political or religious opinions.

SEC. 169. Whenever special meetings are called by the Council, Board of Education, or any other board of the municipality, notice thereof shall be served on each member personally, or by mail, addressed to him at his place of residence; if personally, at least one day before the meeting, and if by mail, the notice, postpaid, shall be deposited in the post office of the city at least two days before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 170. All ordinances, rules, resolutions, and other regulations of the City of Santa Barbara, in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed. All offices of the city heretofore existing shall, unless expressly continued by this charter, cease to exist at the time that this charter takes effect, and shall be supplanted by the offices herein provided for, and the incumbents of the offices so abolished shall surrender to the officers having like powers and duties, as provided by this charter, all moneys, bonds, contracts, books, accounts, records, files, furniture, and property of the offices so abolished. No business pending before any department or officer of the city at the time this charter takes effect shall be considered as lost, discontinued, or abandoned by reason thereof, but the same may be taken up, transacted, and completed before the proper department or officer provided for by this charter.

SEC. 171. The Council of the present City of Santa Barbara shall provide for the holding of the first election of officers under this charter; shall canvass the vote, declare the result, and approve the bonds of all officers elected at such election.

SEC. 172. This charter, except as to elections herein provided for, shall go into effect on the first Monday of January, 1900.

SEC. 173. No ordinance shall be suspended in its operation with respect to any person or persons, or corporation, nor shall any license or privilege be granted inconsistent with any ordinance; but all ordinances and resolutions purporting to grant such license or privilege, or to suspend the operation of any ordinance with respect to any person, or persons, or corporation, shall be void and shall not be available in defense of any action or proceeding to enforce obedience to such ordinance or punish the violation thereof.

SEC. 174. The word "charter" wherever used herein shall be so construed as to include any amendment to this instrument which may be adopted hereafter.

ARTICLE XVI.

SEC. 175. The Common Council may, on its own motion, and must, upon the petition of electors of the city equal in number to twenty-five per cent of the voters at the last preceding city election, submit any proposed amendment to this charter, at intervals of not less than two years, to the qualified electors of the city, at a general or special election held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in the city, and such proposed amendments, if ratified by three fifths of the electors voting thereat, shall be submitted to the next session of the Legislature for approval.

CERTIFICATE.

Be it known, that the City of Santa Barbara, a city containing a population of more than 3,500, and less than 10,000 inhabitants, on the fourth day of April, 1898, at a general

municipal election, and under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, did elect B. F. Thomas, J. W. Taggart, A. Goux, A. M. Ruiz, A. Ott, R. F. Winchester, A. W. Buell, C. E. Bigelow, John F. Diehl, R. B. Canfield, C. E. Sherman, J. N. Hiller, George S. Edwards, W. A. Fiske, and H. G. Crane, a board of fifteen freeholders, to prepare and propose a charter for said city; and we, the members of said board, in pursuance of said provisions of the Constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, consisting of sixteen articles and one hundred and seventy-five sections, as and for the charter of the City of Santa Barbara.

In addition to the foregoing charter, the Board of Freeholders, pursuant to said provision of the Constitution, also presents with said charter for the choice of the voters, and to be voted on separately, without prejudice to the other provisions and sections of said charter, two alternative propositions hereinafter stated and designated as alternative proposition number one and alternative proposition number two, respectively, one only of which shall become part of such charter.

Said alternative propositions shall be submitted for the choice of the voters at the same election at which the charter shall be submitted, and upon the ballots shall be printed:

"For alternative proposition number one," and "For alternative proposition number two."

Voters shall be entitled to vote for only one of said alternative propositions, and the alternative proposition receiving the greatest number of votes shall be thereby adopted and become Section 18 of the charter.

The said alternative propositions are as follows:

ALTERNATIVE PROPOSITION NUMBER ONE.

Section 18. The Mayor shall be entitled to receive as his compensation for all his official duties the sum of \$600 per annum, and each member of the Council shall be entitled to receive for his services the sum of \$360 per annum.

ALTERNATIVE PROPOSITION NUMBER TWO.

Section 18. The Mayor and members of the Council shall receive no compensation whatever for their services.

IN WITNESS WHEREOF, we have hereunto set our hands this 30th day of June, 1898. (Done in duplicate.)

B. F. THOMAS.
J. W. TAGGART.
A. GOUX.
A. M. RUIZ.
A. OTT.
R. F. WINCHESTER.
A. W. BUELL.
C. E. BIGELOW.
JOHN F. DIEHL.
R. B. CANFIELD.
C. E. SHERMAN.
J. N. HILLER.
GEO. S. EDWARDS.
W. A. FISKE.
H. G. CRANE.

MAYOR'S OFFICE, STATE OF CALIFORNIA, } ss.
County of Santa Barbara, City of Santa Barbara. }

I, Edmund M. Burke, Mayor of the City of Santa Barbara, in the County of Santa Barbara, and State of California, do hereby certify that the Board of Freeholders whose names appear signed to the foregoing proposed charter were, on the 4th day of April, 1898, at a general municipal election, held in said city on said day, duly elected by the qualified voters of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder of said city for more than five years previous to said election; that the foregoing is the duplicate copy of said charter prepared and returned to me as Mayor by said Board of Freeholders within ninety days after said election, as required by Section 8 of Article XI of the Constitution of said State; that such proposed charter was then published in one daily newspaper of general circulation in said city, to wit: the Morning Press (said city containing a population of over 3,500 inhabitants, and less than 10,000 inhabitants), for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said Section 8, to-wit, on the 20th day of September, 1898, said charter was submitted to the qualified electors of said city at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter and of adopting or rejecting alternative proposition number one or alternative proposition number two presented with said charter for the choice of said voters and to be voted on separately; that said proposed charter as a whole was duly ratified at said election by a majority of the votes of the qualified electors of said city, and that alternative proposition number one (allowing compensation to the Mayor and Council) was also ratified at the same time and in the same manner, and the same thereby became

and is Section 18 of Article III of said proposed charter; and that alternative proposition number two was rejected; that all of said elections and publications and acts, matters and things in connection with and relating to said proposed charter and alternative propositions were held, made, done, and occurred pursuant to the orders and resolutions and publications of the Mayor and Common Council of said city in compliance with Section 8 of Article XI of the Constitution of said State, and that returns of said election were duly canvassed by the said Mayor and Common Council, the first on April 7, 1898, and the second September 26, 1898, and the results thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter the provisions of said section have been fully complied with.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city this 24th day of December, A. D. 1898.

[SEAL.]

EDMUND M. BURKE, Mayor.

Attest: ALPHONSE CRANE, City Clerk.

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said charter of the City of Santa Barbara, as presented to, and adopted and ratified by, the qualified electors of said city, including and embracing alternative proposition number one, as hereinabove set forth, be and the same is hereby approved as a whole, for and as the charter of said City of Santa Barbara aforesaid.

Assembly Concurrent Resolution No. 13 read.

The question being on the adoption of the above resolution.

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Stratton, Trout, and Wolfe—28.
NOES—None.

Whereupon the President pro tem. declared the result, and announced that the Senate concurred with the Assembly in approving the charter of the City of Santa Barbara, adopted and ratified by the qualified electors of that city at a special election held in that city on September 20, 1898.

Assembly Concurrent Resolution No. 13 ordered transmitted to the Assembly.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of Committee of Conference was received and read:

STATE CAPITOL, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee of Conference of the Senate and Assembly, on the disagreeing vote of the two houses on the Senate amendments to Assembly Constitutional Amendment No. 6, being a proposed amendment to Article XIII, relative to exempting from taxation churches and chapels, report that the Committee of Conference appointed by the Senate and Assembly met and duly organized and considered the matter and unanimously agreed, and do recommend, that the Assembly concur in the Senate amendments.

GILLETTE,
WOLFE,
ASHE,

Committee of Conference from Senate.

JOHNSON,
WORKS,
BOONE,

Committee of Conference from Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Joint Resolution No. 7—Relative to false branding of food products.

Also: Senate Joint Resolution No. 15—Relative to Brigham H. Roberts.

And report that the same have been correctly enrolled. And presented the same to the Governor on this, the 11th day of February, 1899, at two o'clock and fifty-five minutes P. M.

Also: Senate Bill No. 37—An Act making an appropriation to pay the claim of F. P. Otis for costs of suit in foreclosing delinquent purchases of State school lands.

Also: Concurrent Resolution No. 7—Relative to California troops at Manila.

And report that the same have been correctly enrolled. And presented the same to the Governor on this, the 14th day of February, 1899, at one o'clock and fifty minutes P. M.

Also: That they have examined and found the following bills correctly engrossed:

Senate Bill No. 180—An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith.

Senate Bill No. 357—An Act to amend Sections 628 and 630 of an Act of the Legislature of the State of California entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations.

JONES, Chairman.

Senate Bills Nos. 180 and 357 ordered on file for third reading.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 13, 1899.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 424—An Act to amend Section 9 of an Act entitled "An Act creating a Board of Commissioners of Building and Loan Associations, and prescribing their duties and powers," approved March 23, 1893, and as amended by an Act approved March 26, 1895, said Section 9 relating to the procedure in cases of associations violating their charters or the law, or conducting their business in an unsafe manner.

Also: Senate Bill No. 425—An Act to amend Section 20 of an Act entitled "An Act creating a Board of Commissioners of Building and Loan Associations, and prescribing their duties and powers," approved March 23, 1893, and as amended by an Act approved March 26, 1895, said Section 20 defining the name "Building and Loan Association" as used in said Act, and giving said board certain powers and duties.

Also: Assembly Bill No. 250—An Act to amend Section 3608 of the Political Code of the State of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue; and to add new sections, to be known as Sections 3609 and 3610, also relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOLFE, Chairman.

Senate Bills Nos. 424 and 425 ordered on file for second reading.

Assembly Bill No. 250 ordered on special file of Assembly bills for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 445—An Act making an appropriation to pay for concrete floor in basement of State Capitol, and for ventilating said basement, and requiring that the work be done under the direction of the Secretary of State.

Also: Senate Bill No. 459—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 208—An Act to provide additional accommodations for inmates at the California Home for the Care and Training of Feeble-Minded Children by the erection of cottages for epileptic, paralytic, and feeble-minded persons, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 228—An Act appropriating \$80,000 to complete and equip the building now being constructed for the use of the State Normal School of San Diego, California.

Also: Senate Bill No. 351—An Act to repay and reimburse John C. Pelton for money expended, and for services employed in establishing the first free public school in the State of California, and providing an appropriation therefor.

Also: Senate Bill No. 353—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 483—An Act making an appropriation to pay the claim of Office Specialty Manufacturing Company, for metallic furniture furnished the office of the Clerk of the Supreme Court at Sacramento.

Also: Senate Bill No. 526—An Act for the relief of George O. Duncan, Captain of Company C, Sixth Infantry Regiment, Third Brigade, National Guard of the State of California, for injuries received by him while in the performance of his duties as such Captain, under orders of his superior officer, and appropriating money therefor.

Also: Senate Bill No. 547—An Act making an appropriation to pay the claim of J. E. Edson.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 407—An Act to establish a State Board of Charities and Corrections, prescribing its duties, and appropriating money therefor, and committee substitute therefor—have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass.

Also: Senate Bill No. 253—An Act to provide for the purchase of additional lands for the Folsom State Prison, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 319—An Act to authorize the insurance of all property of the University of California held for purposes of income against damages or loss—have had the same under consideration, and respectfully report the same back, it having been improperly referred, as it carries no appropriation.

Also: Senate Bill No. 355—An Act making an appropriation to pay for the cleaning of the outer surface of the granite composing the lower story of the State Capitol at Sacramento, and requiring that such work be done under the direction of the Secretary of State—have had the same under consideration, and respectfully report the same back, and recommend that the author have leave to withdraw.

DICKINSON, Chairman.

Senate Bills Nos. 445, 459, 208, 228, 351, 353, 483, 526, 547, 407, 253, and 319 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Doty asked for and was granted unanimous consent to withdraw Senate Bill No. 355.

Senate Bill No. 355 withdrawn and ordered stricken from the file.

SPECIAL ORDER.

On motion of Senator Langford, and by consent of Senator Cutter, the notice of motion of Senator Cutter to reconsider the vote whereby Assembly Bill No. 145 was finally passed, was made a special order for Friday, February 17, 1899, immediately after reading of the Journal.

BILL RE-REFERRED.

On motion of Senator Gillette, Senate Bill No. 44—An Act entitled "An Act to amend an Act to prevent sheep and goats being herded or running at large in certain portions of Lake County"—was withdrawn from file and re-referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

Senator Luchsinger offered the following resolution:

Resolved, That the Special Committee on Finance, Public Buildings, and Hospitals be reimbursed for expenditures incurred in visiting and inspecting the Mendocino State Hospital, at Ukiah, amounting to \$171.30, and that the Controller of State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of the Senate, and the same be charged to the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

BILL RE-REFERRED.

On motion of Senator Nutt, Senate Bill No. 371—An Act to reorganize the State Board of Health, and to grant it additional powers—heretofore

re-referred to Committee on Farming, Dairying, and Manufacturing Interests, was, with the committee substitute therefor, referred to the Committee on Finance and Claims.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution, to-wit:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of H. S. Crocker Company for \$459 75, for files, letter cases, etc., as per accompanying bills; the same payable out of the Contingent Fund of the Senate.

Jan. 17—5 dozen Globe files	\$60 00
Jan. 19—129 Keystone files	225 75
Jan. 26— 11 dozen Globe files	132 00
2 dozen perforators	12 00
3½ dozen Royal letter cases	30 00
	<hr/>
	\$459 75

Have had the same under consideration, and respectfully report the same back, and recommend that it be amended to read "\$399 75," instead of "\$459 75"—the sum of \$60 for five dozen Globe files having heretofore been ordered paid, by resolution adopted January 18, 1899; and the committee further recommends that the resolution be adopted as amended.

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report of committee and resolution as amended adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Feeney, Flint, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—29.
 NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution, to wit:

Resolved, That Mrs. F. E. Ott be and she is hereby appointed stenographer and clerk to the Committee on County Government and Township Organization, at the same per diem as is paid to the other stenographers of the Senate, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report of committee and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Hall, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Taylor, and Wolfe—27.
 NOES—Senators Gillette, Jones, Laird, Rowell, Smith, and Trout—6.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller of State is hereby authorized to draw his warrant in favor of J. P. Fay, Clerk of the Finance Committee, from January 26, 1899, to January 30, 1899, five days, at \$6 per day (\$30), and the Treasurer of State is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report of committee and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—Senator Laird—1.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Wolfe: Senate Bill No. 603—An Act making an appropriation to pay the claim of the Evening Post Publishing Company for publishing the constitutional amendments submitted at the general election of 1898.

Read first time, and referred to Committee on Finance and Claims.

By Senator Laird: Senate Bill No. 604—An Act making an appropriation to pay the claim of the Yreka Journal for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 605—An Act making an appropriation to pay the claim of the Shasta County Democrat for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 606—An Act to pay the claim of the Alturas Plaindealer, for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 607—An Act making an appropriation to pay the claim of the Big Valley Gazette for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

By Senator Luchsinger: Senate Bill No. 608—An Act to secure the registration of plumbers and the supervision of plumbing and drainage in each city and county of the State of California.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Langford: Senate Bill No. 609—An Act making an appropriation to pay the claim of the Record Publishing Company for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Gillette (by request): Senate Bill No. 610—An Act to appropriate the sum of \$17,000 for the purpose of establishing a water sprinkling and pumping plant in the Yosemite Valley.

Read first time, and referred to Committee on Forestry, Fish, and Game.

Also (by request): Senate Bill No. 611—An Act to appropriate the sum of \$13,000 for the purpose of establishing an electric light and lighting plant in the Yosemite Valley.

Read first time, and referred to Committee on Forestry, Fish, and Game.

By Senator Morehouse: Senate Bill No. 612—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture as instructress and silk expert.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 613—An Act appropriating \$5,000 for the purpose of sending an expert to eastern cities of the United States to collect and gather information concerning the transportation and sale of deciduous fruits from the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Taylor: Senate Bill No. 614—An Act making an appropriation to pay the claim of the Argus Publishing Company for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Davis: Senate Bill No. 615—An Act amending Section 3658, and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read first time, and referred to Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 616—An Act making an appropriation to pay the claim of the Contra Costa Gazette for publishing the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

By Senator Wolfe: Senate Bill No. 617—An Act making an appropriation to pay the claim of the San Francisco Abend Post for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Nutt: Senate Bill No. 618—An Act to amend Section 2065 of the Political Code of California, relating to the National Guard and United States Volunteers therefrom.

Read first time, and referred to Committee on Military Affairs.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until ten o'clock A. M. of Wednesday, February 15, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 15, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Tuesday, February 14, 1899, was read.

The Journal of Saturday, February 11, 1899, was approved.

PETITION.

Senator Shortridge presented the following petition, which was ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California :

We, the undersigned, residents of San José, in the County of Santa Clara, California, respectfully ask your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

C. Z. SANDERS.
MRS. C. Z. SANDERS.
J. SLOSS.
MRS. WORCESTER.
MRS. A. C. BOWEN.
MRS. K. ANDERSON.
And fifty others.

RESOLUTION.

Senator Bettman offered the following resolution, and moved its adoption:

WHEREAS, To-day, February 15th, being the first anniversary of the destruction of the United States battleship Maine, whereby many of our naval officers and men perished; therefore, be it

Resolved, That when the Senate adjourn this day, it do so out of respect to those who perished.

Resolution unanimously adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 525—An Act to add a new section to the Political Code, to be known as Section 1890.

Also: Senate Bill No. 321—An Act to amend Sections 354, 1489, 1492, 1497, and 1501 of the Political Code, relating to State Normal Schools—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 309—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State," as amended by an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State'"—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Senate Bill No. 397—An Act to amend Section 1579 of the School Law of California—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 5—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

BOYCE, Chairman.

Senate Bills Nos. 528, 321, 309, and 397 ordered on file for second reading.

Assembly Bill No. 5 ordered on special file of Assembly bills for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 519—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges, for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance and Claims.

CUTLER, Chairman.

Senate Bill No. 519 referred to Committee on Finance and Claims.

ON PUBLIC PRINTING AND STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Public Printing and State Library, to whom was referred Assembly Bill No. 458—An Act to amend the Penal Code by adding a section thereto, to be numbered 623½, relating to the detention of books and other property belonging to any public or incorporated library, reading-room, museum, or other educational institution—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TROUT, Chairman.

Assembly Bill No. 458 ordered on special file of Assembly bills for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 461—An Act authorizing the Governor and the Attorney-General to purchase for the State of California certain lands in Humboldt Bay, and making an appropriation therefor.

Also: Assembly Bill No. 670—An Act making an appropriation for the support of the State Printing Office.

Also: Senate Bill No. 396—An Act making an appropriation to pay the claim of D. E. O'Keefe for publishing summons in foreclosing interest of delinquent purchasers of State school lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 215—An Act for the relief of Julius A. Holt, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service.

Also: Senate Bill No. 435—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by committee.

Also: Senate Bill No. 55—An Act appointing John Mullan agent of this State to collect from the United States all moneys heretofore paid, and which may also become due this State on account of obligations heretofore assumed by this State for the benefit and "common defense" of the United States, growing out of Indian hostilities in this State and upon the borders thereof, including also all moneys which may become due this State on account of the five per cent of the net proceeds of the sales for cash or otherwise of the public lands made by the United States in this State, and allowing him compensation therefor in the event of success—have had the same under consideration, and respectfully report the same back, with a committee substitute therefor, and recommend that the substitute do pass.

Also: Senate Bill No. 348—An Act to provide for the construction of a free wagon road from Tallac to McKinney's, along the western shore of Lake Tahoe, and making an appropriation therefor.

Also: Senate Bill No. 465—An Act to pay the claim of William Henry Murray against the State of California, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 593—An Act to appropriate \$7,500 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State for general distribution, parasitical and predaceous insects which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this

State have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 462—An Act to protect domestic live stock from contagious and infectious diseases; to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute be adopted, and that it do pass.

DICKINSON, Chairman.

Senate Bills Nos. 461, 396, 215, 435, 55, 348, 465, 593, and 462 ordered on file for second reading.

Action on Assembly Bill No. 670 temporarily postponed.

ON COMMERCE, HARBORS, AND RIVERS.

SENATE CHAMBER, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee on Commerce, Harbors, and Rivers, to whom was referred Senate Bill No. 426—An Act to amend Sections 2520 and 2552 of the Political Code, relating to the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SHORTRIDGE, Chairman.

Senate Bill No. 426 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election case of Leon Dennery vs. R. Porter Ashe, for the seat in the Senate from the Twenty-fourth Senatorial District of the State of California, beg leave to report as follows:

Said committee have had the bills of the contestant and contestee under consideration, and we respectfully recommend that the following expenses be allowed:

First, to the contestee:

County Clerk's fees, filing answer	\$2 00
Verification of answer	50
Printing answer and two copies	18 00
Fees to D. W. Long, shorthand reporter	694 00
Francis J. Heney, attorney	166 66
H. H. McPike, attorney	166 66
A. S. Newburgh, attorney	166 66
Serving subpoenas, thirty witnesses	30 00
Charles W. Frees, trip from Tres Pinos to San Francisco	11 00
Sylvester Sullivan	50 00
H. H. McPike, expenses	82 00

Also, to the contestant as follows:

Fees of County Clerk and Sheriff	\$11 50
Mrs. C. S. Whiteman, drawing complaint, stenographing, etc.	36 80
Justice fees, F. H. Kerrigan and G. C. Groezinger	25 00
Leon Dennery, expenses	50 00
Frank H. Powers, expenses	22 50
Eugene F. Bert, expenses	32 50
Ernest J. Mott, stenographer	662 80
Telegrams	2 10
Eugene F. Bert, attorney	250 00
Frank H. Powers, attorney	250 00
Fees, subpoenaing twenty-two witnesses, and mileage	33 00
Witness fees	50 00

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following-named persons for the amounts set opposite their names, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same, viz.:

H. H. McPike	\$166 66
A. S. Newburgh	166 66
Francis J. Heney	166 66
D. W. Long	694 00
R. Porter Ashe	143 50
Sylvester Sullivan	50 00
Frank H. Powers	272 50
Eugene F. Bert	282 50

Frank H. Powers and E. F. Bert.....	\$96 70
Leon Dennergy.....	50 00
F. H. Kerrigan and G. C. Groezinger.....	25 00
Mrs. C. S. Whiteman.....	36 80
Ernest J. Mott.....	662 80

• Report and resolution referred to Committee on Attachés, Contingent Expenses, and Mileage.

And your committee further recommend the adoption of the following Senate concurrent resolution, whereby the Senate and Assembly Joint Rule XXXIV may be suspended, and an attorney fee of \$500 for each the contestant and contestee be allowed in said election contest, as follows:

Resolved by the Senate, the Assembly concurring, That Joint Rule XXXIV be temporarily suspended, and that the attorneys' fees in the election contest of Leon Dennergy vs. R. Porter Ashe be allowed as follows:

To Frank H. Powers, as attorney for the contestant.....	\$250 00
To Eugene F. Bert, as attorney for the contestant.....	250 00
To H. H. McPike, as attorney for the contestee.....	166 66
To A. S. Newburgh, as attorney for the contestee.....	166 66
To Francis J. Heney, as attorney for the contestee.....	166 66

STRATTON, Chairman.

Referred to Committee on Rules and Revision.

ADOPTION OF REPORT OF COMMITTEE OF CONFERENCE.

Senator Wolfe moved that the following report of Committee of Conference, presented on yesterday, be adopted:

STATE CAPITOL, SACRAMENTO, February 14, 1899.

MR. PRESIDENT: Your Committee of Conference of the Senate and Assembly on the disagreeing vote of the two houses on the Senate amendments to Assembly Constitutional Amendment No. 6, being a proposed amendment to Article XIII, relative to exempting from taxation churches and chapels, report that the Committee of Conference appointed by the Senate and Assembly met and duly organized and considered the matter, and unanimously agreed and do recommend that the Assembly concur in the Senate amendments.

GILLETTE,
WOLFE,
ASHE,

Committee of Conference from Senate.

JOHNSON,
WORKS,
BOONE,

Committee of Conference from Assembly.

The roll was called, and the same adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—Senator Laird—1.

The Secretary was directed to inform the Assembly by message of the Senate's action on the report of Committee of Conference.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Also: Senate Bill No. 83—An Act to amend Section 1188 of the Political Code, relating to the method by which candidates for public office may be nominated.

Also: Passed Senate Bill No. 133—An Act concerning registration for primary elections.

Also: Senate Bill No. 82—An Act authorizing the State Treasurer to furnish his office and the vault therein, and making an appropriation therefor.

Also: In pursuance to a request of Senator Taylor, allowed Assemblyman Knowland to withdraw from the Assembly file Senate Bill No. 31—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory—and to return said bill to the Senate.

Also: Adopted and concurred in the report of the Committee of Conference on Assembly Constitutional Amendment No. 6—Proposing an amendment to Article XIII, relative to exempting from taxation churches and chapels—thereby concurring in Senate amendments to said proposed constitutional amendment.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 133 and 82 ordered to enrollment.

CONCURRENCE IN ASSEMBLY AMENDMENTS.

Senator Stratton moved that the Senate concur in the following Assembly amendment to Senate Bill No. 83—An Act to amend Section 1188 of the Political Code, relating to the method by which candidates for public office may be nominated:

Amend by striking out after the word "number," on line 31, the words "when he resides in the city," and inserting in lieu thereof the words "when such designation by street and number can be given."

The roll was called, and the Senate concurred in the Assembly amendment by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Carrier, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—31.

NOES—None.

The Secretary was directed to inform the Assembly, by message, of the action of the Senate on the above Assembly amendment.

Senate Bill No. 83 ordered to enrollment.

RESOLUTION—(OUT OF ORDER).

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That Senate Bill No. 593 and Assembly Bill No. 670 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

The roll was called, and Section 15 of Article IV of the Constitution suspended by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Carrier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 670—An Act making an appropriation for the support of the State Printing Office.

Read second and third times.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 670 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 593—An Act to appropriate \$7,500 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State for general distribution parasitical and predaceous insects which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this State.

Read second time, considered engrossed, and read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 593 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Simpson, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NON-CONCURRENCE IN ASSEMBLY AMENDMENT.

Senator Smith moved that the Senate refuse to concur in the following Assembly amendment to Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure:

Amend so as to strike out all after the enacting clause, and insert the following:

"SECTION 1. Section eight hundred and forty-four of the Code of Civil Procedure is hereby amended to read as follows:

"844. The summons must be directed to the defendant, signed by the Justice, and must contain:

"1. The title of the court, name of the county, city and county, or township in which the action is brought, and the names of the parties thereto;

"2. A direction that the defendant appear and answer before the Justice, at his office, as specified in section eight hundred and forty-five of this Code:

"3. A notice that, unless the defendant so appear and answer, the plaintiff will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for the relief demanded in the complaint.

"If the plaintiff appears by attorney, the name of the attorney must be indorsed upon the summons.

"SEC. 2. This act shall take effect immediately."

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 66 by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Gillette, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

The Secretary was directed to inform the Assembly of the action of the Senate in refusing to concur in Assembly amendment to Senate Bill No. 66, and request the Assembly to recede therefrom.

RESOLUTION MAKING CERTAIN BILLS CASES OF URGENCY.

Senator Smith offered the following resolution, and moved its adoption:

Resolved, That Senate Bills Nos. 487, 282, 53, 6, 134, 7, 246, 324, 320, 283, 122, 354, 444, 326, 369, 332, 227, 339, 360, 415, 252, 473, 327, 27, 206, 29, 536, 414, 362, 446, 22, 63, 241, 419, 461, 215, and 528 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that a bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended, for the purposes set forth in the foregoing resolution, by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—35.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, read first time, and referred to committees as follows:

By Senator Bettman: Senate Bill No. 619—An Act making an appropriation to pay for the providing of additional committee rooms in the attic of the State Capitol, and requiring that the work be done under the direction of the Secretary of State.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Simpson: Senate Bill No. 620—An Act making an appropriation to pay the claim of John W. Mitchell, for legal services.

Read first time, and referred to Committee on Finance and Claims.

By Senator Luchsinger: Senate Bill No. 621—An Act making an appropriation to pay the claim of W. D. Pennycook, publisher of the Vallecjo Chronicle, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Bulla: Senate Bill No. 622—An Act making an appropriation to pay the contingent expenses of the Commissioners for the Revision and Reform of the Law, for the forty-eighth, forty-ninth, and fiftieth fiscal years.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 623—An Act to appropriate the sum of \$81 18 to pay the claim of C. A. Williams, for money due and owing to the said C. A. Williams from the State of California.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 624—An Act to appropriate the sum of \$200 to pay the claim of Scott Calhoun, for money due and owing to said Scott Calhoun from the State of California.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 625—An Act to appropriate the sum of \$21 50 to pay the claim of M. G. Barrett, for money due and owing the said M. G. Barrett from the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Maggard: Senate Bill No. 626—An Act making an appropriation to pay the claim of the Daily and Weekly News, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 627—An Act making an appropriation to pay the claim of the Daily and Weekly Sentinel, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 628—An Act to amend an Act entitled "An Act to establish a uniform system of County and Township Governments," approved April 1, 1897.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Cutter: Senate Bill No. 629—An Act to provide for the payment of \$400 to Ed. E. Leake, proprietor of the Woodland Democrat, for the advertising of the constitutional amendments voted for at the general election held in 1898, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 630—An Act to provide for the payment of \$125 to W. S. O'Brien, proprietor of the Sutter Independent, for the advertising of the constitutional amendments voted on at the general election held in 1898, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Jones: Senate Bill No. 631—An Act making an appropriation to pay the claim of H. B. Martin & Son, proprietors of the San Bernardino Evening Transcript, for publishing the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Leavitt: Senate Bill No. 632—An Act entitled "An Act to amend the Political Code, by adding a new section prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which under the laws of the United States cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States."

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 633—An Act to provide for the payment for the advertising of the constitutional amendments, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 634—An Act to provide for the payment for the advertising of the constitutional amendments, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Sims: Senate Bill No. 635—An Act providing for the allowance and payment of the claim of the Petaluma Printing Company against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 636—An Act providing for the allowance and payment of the claim of McNab & Cassidy against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 637—An Act providing for the allowance and payment of the claim of H. H. Granice against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 638—An Act providing for the allowance and

payment of the claim of F. W. Cooke against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 639—An Act providing for the allowance and payment of the claim of Thomas M. Menihan against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 640—An Act providing for the allowance and payment of the claim of R. E. Baer against the State of California, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Leavitt: Senate Bill No. 641—An Act to pay the claim of the Oakland Enquirer Publishing Company, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

Also (by request): Senate Bill No. 642—An Act to prevent the hounding, chasing, or hunting of deer with hounds in the State of California.

Read first time, and referred to Committee on Forestry, Fish, and Game.

WITHDRAWAL OF BILL.

Senator Taylor asked for and was granted unanimous consent to withdraw Senate Bill No. 31—An Act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory.

Senate Bill No. 31 withdrawn and ordered stricken from the file.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897.

Senator Davis moved that Senator Braunhart be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, lines 44 and 45, the words "five hundred," and inserting the words "one thousand."

Motion lost.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Gillette, Hall, Hoey, Jones, Langford, Luchsinger, Maggard, Morehouse, Nutt, Pace, Sims, Smith, Stratton, Trout, and Wolfe—26.

NOES—Senators Bettman, Feeney, Laird, La Rue, Leavitt, Rowell, Shorrtridge, Simpson, and Taylor—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 152—An Act supplemental to an Act entitled "An

Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease.

Passed on file.

At eleven o'clock and forty minutes P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senate Bill No. 177—An Act to add a new section of the Civil Code, to be known as Section 431 thereof, relating to the form of fire insurance policies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 177 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Gillette, Hall, Hoey, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Stratton, Taylor, Trout, and Wolfe—27.

NOES—Senators Feeney, Laird, Shortridge, and Simpson—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 10—An Act to amend Sections 3, 4, 5, 6, 7, 8, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880, as amended by an Act entitled "An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled 'An Act to provide for the protection of lands from overflow other than lands recognized as swamp lands,' approved April 15, 1880," approved March 19, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 10 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 232—An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V, of the Political Code, relating to the State Library.

Senator Trout asked for and was granted unanimous consent to withdraw the above bill, and substitute on file therefor Senate Joint Resolution No. 11—Relative to money now due and unpaid to the State of California from the National Government.

Senate Bill No. 232 withdrawn and ordered stricken from the file.

Senate Joint Resolution No. 11—Relative to money now due and unpaid to the State of California from the National Government.

Joint resolution read.

The roll was called, and Senate Joint Resolution No. 11 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Langford, Leavitt, Maggard, Morehouse, Nutt, Pace, Simpson, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor. Passed on file.

Senate Bill No. 257—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Passed on file.

Senate Bill No. 165—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Passed on file.

Senate Bill No. 211—An Act making an appropriation to pay the claim of Thomas Hatch.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 211 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—Senators Bulla, Burnett, Laird, and Langford—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, having resumed the chair, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 15, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milce, Miller of Los Angeles, Miller of San Francisco, Muentert, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, White, Works, Wright, and Mr. Speaker—76.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Tuesday, February 14, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Tuesday, February 14, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier, Gillette, Simpson, and Taylor—4.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Irving M. Scott—Senator Davis—1.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—11.

For William T. Jeter—Senator Hall—1.

Whole number of votes cast by Senators.....	38
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	4 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	11 votes.
William T. Jeter received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.

For Irving M. Scott—Mr. Dunlap—1.

For Stephen M. White—Messrs. Boone, Brooke, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mead, Meserve, O'Brien, Stewart, E. D. Sullivan, and White—16.

For James D. Phelan—Mr. Burnett—1.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	75
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	18 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	20 votes.
Irving M. Scott received.....	1 vote.
Stephen M. White received.....	16 votes.
John Rosenfeld received.....	1 vote.
James D. Phelan received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	113
Necessary to a choice.....	57
W. H. L. Barnes received.....	11 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	13 votes.
D. M. Burns received.....	25 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	27 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	2 votes.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	27 votes.
William T. Jeter received.....	1 vote.
James D. Phelan received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and twenty-four minutes P. M., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Thursday, February 16, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—32.

Quorum present.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, and Trout—29.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments and to include propositions.

Bill having been read third time on a previous day, Senator Davis moved that Senator Stratton be appointed a special committee of one to amend as follows:

Amend by striking out the whole of Section 1 thereof, and inserting in lieu thereof the following:

"Section 1. An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval, adopted March 7, 1883, is hereby repealed."

Also: Amend by striking out of line 1 of the title thereof the words "To amend Section 1 of," and inserting in lieu thereof the following: "To repeal."

Also: Amend by striking out of lines 5 and 6 of the title thereof the words "and to include propositions."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments and to include propositions—with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print.

Assembly Bill No. 117—An Act to amend Section 456 of the Civil Code.

The bill having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 117 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Feeney, Flint, Gillette, Laird, Leavitt, Maggard, Morehouse, Pace, Prisk, Rowell, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 42—An Act to amend an Act entitled "An Act authorizing boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 42 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Simpson, Stratton, Taylor, Trout, and Wolfe—29.

NOES—Senators Bulla, Rowell, Sims, and Smith—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 53—An Act to provide for the reorganization of municipal corporations, and for determining the population thereof.

Passed on file.

Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

Passed on file.

Assembly Bill No. 286—An Act authorizing cities and towns of the sixth class to obtain by purchase, donation, or devise, lands for cemetery purposes, and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

Passed on file.

Assembly Bill No. 157—An Act to prevent the shipment of infected fruits out of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 157 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Simpson, Smith, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 136—An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor.

Passed on file.

Assembly Bill No. 23—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 23 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 118—An Act to regulate the practice of horse-shoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

Read third time.

Senator Taylor moved that Senator Leavitt be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, lines 3 and 4, the words "having a population of thirty-five thousand or over in this State."

Motion carried.

TIME FOR CONSIDERING ASSEMBLY BILLS EXTENDED.

The time for the consideration of Assembly bills being about to expire, on motion of Senator Leavitt, the time was extended until the report of the special committee of one, just appointed, be disposed of.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 118—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act—with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

The question being on the adoption of the report of the special committee of one and the amendment.

The ayes and noes were demanded by Senators Davis, Curtin, and La Rue.

The roll was called, and the report of the special committee of one and amendment adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Leavitt, Morehouse, Nutt, Pace, Simpson, Stratton, Taylor, and Wolfe—22.

NOES—Senators Chapman, Currier, Curtin, Davis, Laird, Langford, La Rue, Maggard, Prisk, Rowell, Sims, Smith, and Trout—13.

Senator Taylor moved that Senator Leavitt be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 2, line 31, the word "four," and inserting the word "two."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 118—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act—with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following correctly engrossed: Senate Constitutional Amendment No. 9—Proposed amendment to Article VI of the Constitution, relative to the compensation of Supreme and Superior Court Judges.

JONES, Chairman.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senator Cutter asked for and was granted unanimous consent to withdraw Senate Bill No. 121—An Act to appropriate \$10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State parasites and predaceous insects—and substitute on file therefor Senate Constitutional Amendment No. 9—Relative to the compensation of Supreme and Superior Court Judges.

Senate Bill No. 121 withdrawn and stricken from the file.

Senate Constitutional Amendment No. 9 read.

Senator Cutter moved to amend Senate Constitutional Amendment No. 9 as follows:

Amend by striking out of line 9, page 2, amended printed bill, the semicolon, and inserting the word "and."

Amendment adopted.

Senate Constitutional Amendment No. 9 ordered to print.

Senator Bettman moved that Assembly messages be taken up.
So ordered.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 293—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Also: Amended, and passed as amended, Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor.

Also: Passed Senate Bill No. 46—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Also: Senate Bill No. 551—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

Also: Assembly Bill No. 151—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead; to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

Senate Bills Nos. 46 and 551 ordered to enrollment.

Assembly Bill No. 151 read first time, and ordered on special file of Assembly bills, without reference to committee, on motion of Senator Bettman.

CONCURRENCE IN ASSEMBLY AMENDMENTS TO SENATE BILL.

Senator Davis moved that the Senate concur in the following Assembly amendments to Senate Bill No. 11:

Amend by striking out the words "obtaining the right of way for" on line 4, Section 1, page 1, printed bill.

Also: Amend by striking out the word "State" on line 5, Section 2, page 1, printed bill, and inserting in lieu thereof the word "public."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 11 by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Flint, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—28.

NOES—None.

The Secretary was directed to inform the Assembly of the action of the Senate in regard to the Assembly amendments to Senate Bill No. 11.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 90—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners (approved March 4, 1881; Stats. 1881, 26), relating to assessing and collecting said taxes.

Senate Bill No. 361—An Act relative to the meeting place of High School Boards within municipal corporations.

Senate Bill No. 139—An Act prohibiting the sale of adulterated cigarettes, and providing a legal sanction.

Committee Substitute for Senate Bill No. 235—An Act to amend Sections 2, 3, and 5 of an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

JONES, Chairman.

Senate Bills Nos. 90, 361, 139, and Committee Substitute for Senate Bill No. 235 ordered on file for third reading.

MOTION.

Senator Dickinson moved to take up the consideration of Senate Bill No. 118.

So ordered.

Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Read third time.

Senator Cutter moved that Senator Dickinson be appointed a special committee of one to amend the bill as follows:

Amend by striking out Sections 2, 3, and 4 of the printed bill, and inserting in lieu thereof the following:

"SEC. 2. The Controller is hereby directed to draw his warrant on the State Treasurer, who shall pay the same, for the sum of \$5,000, in favor of the State Board of Examiners, who shall invest the same in interest-bearing bonds of the State, or of some solvent county or counties thereof, and shall collect the interest thereon and pay the same to the said Lawrence Dunnigan during his natural life; and upon his death the said bonds shall be sold and the amount realized returned to the general fund of the State Treasury."

Motion lost.

The question being on the passage of Senate Bill No. 118.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Jones, Langford, La Rue, Leavitt, Maggard, Morehouse, Pace, Prisk, Rowell, Simpson, Sims, Taylor, Trout, and Wolfe—27.

NOES—Senators Bulla, Gillette, Laird, and Stratton—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Senator Bulla, the Senate was declared adjourned until ten o'clock A. M. of Thursday, February 16, 1899.

IN SENATE.

SENATE CHAMBER,
Thursday, February 16, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, February 15, 1899, was read.

The Journal of Monday, February 13, 1899, was approved.

PETITION.

Senator Sims presented the following petition from residents of Healdsburg, which was ordered printed in the Journal:

To the Honorable the State Legislature of California:

The attention of your honorable body is respectfully called to the fact that nowhere on the soil of the Pacific Coast is there a monument to the memory of Abraham Lincoln.

While this omission does not arise from any lack of admiration or appreciation on the part of the patriotic people of this coast, yet it is a reflection upon the spirit of open-handed generosity, that is one of the leading characteristics of our people.

The Lincoln Monument League seeks to supply this: That organization has procured the dedication of a day in the public schools of this State to a study of the life and services of the Great Emancipator. As a lasting testimonial, it is desired that a suitable shaft may be erected that shall stand in the hereafter as the crystallization of the sentiment universal among the people, whom Lincoln loved. To make this possible, we respectfully ask your honorable body to consider favorably the bill appropriating \$50,000 for this purpose.

G. W. MILLER.
F. W. COOKE.
ROSENBERG & BUSH.
GOLDSTEIN BROS.
CHAS. P. BYINGTON.
R. G. COOK.
S. J. HALL.
CROPINS & CO.
JOHN DALY & CO.
I. H. MITCHELL.
CUMMINGS BROS.
J. O. HICKS.
And seventy-eight others.

RESOLUTION.

The following resolution was offered by Senator Nutt:

Resolved, That the special committee of two from the Senate Committee on Farming, Dairying, and Manufacturing Interests be reimbursed for their expenses incurred in inspecting the proposed free-market site in the City of San Francisco, amounting to the sum of \$18, and that the Controller of State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of the Senate, and that the same be charged to the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay said warrant.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 16—An Act authorizing and providing the means of collecting and

receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Also: Senate Bill No. 92—An Act appointing Thomas M. Nosler, John Mullan, and James W. Shanklin agents of this State to collect from the United States all moneys by her advanced and paid for the benefit of the United States in connection with the volunteers of this State mustered into the military service of the United States during the Rebellion, including all expenses incurred by this State in consequence of the Rebellion, and allowing compensation therefor, in the event of success.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute for the two bills be adopted and that the substitute do pass.

Also: Senate Bill No. 434—An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 491—An Act to amend subdivisions 9 and 18 of Section 433 of the Political Code, relating to the duties of the Controller—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

DICKINSON, Chairman.

Senate Bills Nos. 16, 92, 434, and 491 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 19—An Act to amend Sections 1083, 1094, 1113, 1115, 1130, 1131, 1160, 1164, 1174, 1187, 1188, 1196, 1197, 1205, 1210, 1211, 1257, 1258, and 1259 of the Political Code, and to repeal Section 1228 thereof, relating to elections.

Also: Assembly Bill No. 375—An Act to amend Section 1281 of the Political Code. Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Elections.

Also: Senate Bill No. 556—An Act to authorize counties, cities and counties, cities, or towns to pay the fees and compensations provided by law to be paid to any officer or person charged with the duty of performing such services, when the same have been performed, and compensation by misconstruction or mistake of law, without such claimant's fault, has been denied him—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Municipal Corporations.

GILLETTE, Chairman.

Senate Bill No. 530 ordered on file for second reading.

Assembly Bill No. 19 referred to Committee on Elections.

Assembly Bill No. 375 referred to Committee on Elections.

Senate Bill No. 556 referred to Committee on Municipal Corporations.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 257—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid to the tract of land upon which the same was assessed upon subsequent assessments.

Also: Senate Bill No. 542—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California.

Also: Senate Bill No. 572—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County," approved March 20, 1874, extending the time during which the Board of Directors may sit as a board of equalization.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MAGGARD, Chairman.

Assembly Bill No. 257 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 542 and 572 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 151—An Act authorizing the Attorney General to settle and dismiss a certain action entitled "The people of the State of California, ex rel. E. P. Colgan, State Controller, plaintiff, vs. J. N. E. Wilson, F. C. De Long, and J. D. Byrnes, defendants," wherein judgment was obtained against the defendants in the Superior Court of the County of Sacramento, State of California, which action is numbered 5990 in said Court (which judgment as against the said J. N. E. Wilson was affirmed by the Supreme Court of the State of California), upon the payment to him for the use of the State of the sum of \$649 93, heretofore paid by said J. N. E. Wilson into the said Superior Court, and upon the further consideration of an assignment by said J. N. E. Wilson to the State of California of all his right, title, and interest in and to any and all of the moneys deposited by the said J. N. E. Wilson, as Insurance Commissioner, in the Pacific Bank of San Francisco, and now remaining therein.

Also: Senate Bill No. 65—An Act to add a new section to the Political Code, to be known as Section 793, relating to notaries public.

Also: Senate Bill No. 32—An Act to amend Section 595 of the Civil Code, relating to powers of benevolent corporations.

Also: Senate Bill No. 12—An Act to prevent the maintenance against the State or any officer thereof by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county or any officer thereof for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

And report that the same have been correctly enrolled, and presented the same to the Governor on this fifteenth day of February, 1899, at four o'clock P. M.

Also: Senate Concurrent Resolution No. 5—Relative to setting apart a room in the State Capitol building for office of Lieutenant-Governor—and report that the same has been correctly enrolled, and presented the same to the Governor on this fifteenth day of February, 1899, at eleven o'clock and fifty-five minutes A. M.

JONES, Chairman.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Assembly Bill No. 420—An Act to add a new section to the Political Code, to be known as Section 1890, relating to fire-escapes on school buildings—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 150—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 86—An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital; said buildings to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital; to appropriate money therefor, and provide for the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, without recommendation, other than that they be referred to Committee on Finance and Claims.

Also: Senate Bill No. 437—An Act making an appropriation to pay for the support of the Southern California State Hospital for the fifty-first and fifty-second fiscal years—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same.

SMITH, Chairman.

Assembly Bill No. 420 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 150 and 86 referred to Committee on Finance and Claims.

Senator Jones asked for and was granted unanimous consent to withdraw Senate Bill No. 437.

Senate Bill No. 437 withdrawn and ordered stricken from the file.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 518—An Act to regulate the business of commission merchants, agents, factors, or brokers, dealing in farm produce, poultry, game, fruit, seeds, honey, or dairy products.

Also: Senate Bill No. 48. An Act to prohibit the use, by purchasers of milk, cream, or other dairy products, of apparatus, test bottles, or other appliances showing false percentages of cream, butter-fat, or richness, or which by their use are calculated to deceive or defraud.

Also: Assembly Bill No. 22—An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Also: Assembly Bill No. 90—An Act to amend Section 357 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the marking and branding of domestic animals, and the alteration or defacement of marks and brands on domestic animals.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 515. An Act to provide for the organization and management of live stock insurance companies.

Also: Senate Bill No. 505. An Act to amend Sections 1 and 2 of an Act entitled "An Act entitled an Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, relating to the classification of counties into agricultural districts.

Also: Senate Bill No. 237—An Act to provide for the inspection of dried and canned fruits, raisins, and nuts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 388. An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Also: Assembly Bill No. 33. An Act to authorize agricultural societies to borrow money and secure the payment of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on Judiciary.

Also: Senate Bill No. 314. An Act to prevent adulteration, fraud, and deception in the manufacture and sale of articles of food: to enlarge the powers of the State Dairy Bureau; to secure its enforcement, and to appropriate money therefor.

Also: Senate Bill No. 61—An Act for the relief of district agricultural associations, or district agricultural societies, and appropriating the sum of \$75,000 for such purpose.

Also: Senate Bill No. 25. An Act to assign certain blocks of State property in the City and County of San Francisco, to be part of the free public market established by the Act approved March 29, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on Finance and Claims.

NUTT, Chairman.

Senate Bills Nos. 518, 48, 515, 505, and 237 ordered on file for second reading.

Assembly Bills Nos. 22 and 90 ordered on special file of Assembly bills for second reading.

Senate Bill No. 388 and Assembly Bill No. 33 referred to Committee on Judiciary.

Senate Bills Nos. 314, 61, and 25 referred to Committee on Finance and Claims.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, and 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 586—An Act to add a new section to the Penal Code, said section to be designated as Section 625½, relating to oil pipe lines—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 400—An Act relating to electric light, telephone, telegraph, and messenger-box telegraph corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SIMPSON, Chairman.

Assembly Bill No. 660 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 586 and 400 ordered on file for second reading.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Assembly Bill No. 247—An Act prohibiting the payment of money by the State to counties for the collection of taxes.

Also: Senate Bill No. 537—An Act to amend an Act to establish a uniform system of county and township governments, approved April 1, 1897, by adding a new section thereto, to be numbered Section 19½, giving authority to the Boards of Supervisors with reference to registration.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 365—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State.

Also: Senate Bill No. 474—An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State."

Also: Senate Bill No. 489—An Act to locate and permanently establish the boundary line between the counties of Yolo and Solano.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

MOREHOUSE, Chairman.

Assembly Bill No. 247 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 537, 365, 474, and 489 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Special Committee on Finance, Public Buildings, and Hospitals be reimbursed for expenditures incurred in visiting and inspecting the Mendocino State Hospital, at Ukiah, amounting to \$171 30, and that the Controller of State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of the Senate, and the same be charged to the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report of committee and resolution were adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Chapman, Cutter, Dickinson, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Sims, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Chapman: Senate Bill No. 643—An Act making an

appropriation to pay the claim of the Placer Herald, published in Auburn, for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 644—An Act making an appropriation to pay the claim of the Mountain Democrat, of Placerville, for advertising the constitutional amendments for the year 1898, authorized by the Governor of the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Wolfe: Senate Bill No. 645—An Act making an appropriation to pay the claim of M. S. Levy, proprietor and publisher of the Jewish Times and Observer, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Langford: Senate Bill No. 646—An Act authorizing the payment of compensation or commission to persons employed by the State Controller and Attorney-General or by Boards of Supervisors of the different counties to collect delinquent State and county taxes, and legalizing all payments made for that purpose.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 647—An Act for the relief of J. E. Atkinson, for personal injuries received by him while in the service of the State.

Read first time, and referred to Committee on Finance and Claims.

By Senator Ashe: Senate Bill No. 648—An Act to provide for filling vacancies in the offices of incorporated cities where there has been a failure of election for more than two years, and a refusal of those last elected to continue in the discharge of the duties of their offices for more than two years; and to provide that the persons appointed to fill such vacancies shall qualify, discharge the duties of such offices until their successors are elected and qualified, and make provision for an election by the legally qualified electors of such incorporated cities to fill such offices, and to provide that the official acts of officers so provisionally appointed, and processes served upon them shall be valid.

Read first time, and referred to Committee on Judiciary.

By Senator Nutt (by request): Senate Bill No. 649—An Act to amend Sections 650, 651, 653, 658, 659, 660, 661, 662, 939, 940, 950, 951, 953, and 963 of the Code of Civil Procedure, relating to appeals, and the practice relative thereto, and to repeal Section 952 thereof, relating to the same subject.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 650—An Act making an appropriation to pay the claim of the San Diego Vidette, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Leavitt: Senate Bill No. 651—An Act making an appropriation to pay the claim of J. W. Travers, assignee of the Alameda Daily Evening Encinal, for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

By Senator Morehouse: Senate Bill No. 652—An Act making an appropriation to pay the claim of the Herald Publishing Company, of San José, for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 653—An Act to pay the claim of the News Publishing Company, for official advertising.

Read first time, and referred to Committee on Finance and Claims.

By Senator Currier: Senate Bill No. 654—An Act making an appropriation to pay the claim of the Downey Champion, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Cutter: Senate Bill No. 655—An Act making an appropriation to pay the claim of the Appeal Publishing Company, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Pace: Senate Bill No. 656—An Act to appropriate the sum of \$300 to pay the claim of F. V. Dewey, for money due and owing the said F. V. Dewey from the State of California.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 657—An Act to appropriate the sum of \$630 to pay the claim of Ben M. Maddox, for money due and owing the said Ben M. Maddox from the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Flint: Senate Bill No. 658—An Act to amend Section 1764 of the Code of Civil Procedure, relating to the appointment of guardians of insane and incompetent persons.

Read first time, and referred to Committee on Judiciary.

By Senator Braunhart: Senate Bill No. 659—An Act to repeal Sections 3824 and 3825 of the Political Code, relating to collection of taxes.

Read first time, and referred to Committee on Judiciary.

MOTION.

Senator Smith moved that the Senate urgency file be now considered. So ordered.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 487—An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653½, relating to the fees charged by employment agencies.

Passed on file.

Senate Bill No. 282—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 282 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Hoey, Jones, La Rue, Leavitt, Nutt, Pace, Prisk, Stratton, and Wolfe—23.

NOES—Senators Dickinson, Gillette, Luchsinger, Maggard, Morehouse, Rowell, Simpson, Sims, Taylor, and Trout—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 53—An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens.

During the second reading of bill, the following amendments were offered by Senator Boyce:

Amend by adding in Section 3, line 36, after the word "children," the words "or any multiple thereof."

Amendment adopted.

Also: Amend by adding in Section 3, line 38, after the word "fraction," the following: "*and provided further*, that districts having less than ten census children shall receive no apportionment other than that provided for in subdivision four of this section."

Amendment adopted.

Also: Amend by adding in Section 3, line 42, after the word "attendance" the following: "in the primary and grammar schools."

Amendment adopted.

Also: Amend by adding in Section 3, line 45, after the word "years," the following: "and in any school district wherein is located a State Normal School the superintendent of said Normal School shall at the close of the yearly session thereof, certify to the School Superintendent of such county in which such school is situated the number of pupils between the ages of 5 and 17 years enrolled in the training school of said Normal School, residing within said school district and the apportionment made by the School Superintendent of such county, under the provisions of this section, shall include, and the district in which such State Normal School is located, shall be entitled to receive, an apportionment for the daily average attendance of such children so attending said training school."

Amendment adopted.

Bill read second time, ordered to print and engrossment, and to retain place on special urgency file.

Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

Passed on file.

Senate Bill No. 6—An Act to provide for certain improvements and repairs at the State Normal School at Los Angeles, and making an appropriation therefor.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

During the second reading of bill, the following committee substitute was submitted:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 134.

An Act adding four new sections to the Political Code of this State, to be numbered consecutively sections sixteen hundred and seventy-four, sixteen hundred and seventy-five, sixteen hundred and seventy-six, and sixteen hundred and seventy-seven, authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Four new sections are hereby added to the Political Code of this State, to be numbered sixteen hundred and seventy-four, sixteen hundred and seventy-five, sixteen hundred and seventy-six, and sixteen hundred and seventy-seven, authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund, as follows:

Section 1674. Upon application of a Board of Education, or Board of School Trustees, of any city, incorporate town, or school district in this State to the State Superintendent of Public Instruction, he shall grant permission to such Board of Education or Board of School Trustees, and such Board of Education or Board of School Trustees shall thereupon be empowered to maintain within the limits of such city, incorporate town, or school district, one or more day schools, having an average daily attendance of not less than five pupils, for the instruction of deaf children and those defective in speech and unable to attend the public schools provided for children that can hear, such pupils being over the age of three and under twenty-one years, and residents of the State of California.

Section 1675. The County Superintendent of Schools in each county is hereby authorized and directed to apportion and pay, out of the State School Fund apportioned to such county, to the custodian of the school funds of such city, incorporate town, or school district maintaining such school or schools for the deaf and of those defective in speech, a sum not exceeding one hundred and fifty (150) dollars for each deaf pupil, resident of such county, instructed in any such school for at least eight months during the school year, and a share of such sum proportionate to the term of instruction of any such pupil as shall be instructed less than eight months during such year. If no such school shall be maintained in a county, but persons deaf or defective in speech resident in such county shall attend such school in another county, then the County Superintendent of Schools of the county not maintaining such schools shall apportion and pay to the custodian of the school funds of the city, incorporate town, or school district maintaining the school attended, the amount above specified for each pupil attending such school in such other county.

Section 1676. The sums provided in the next preceding section shall be apportioned by the County Superintendent of Schools as soon as may be after the receipt by him of the State School Fund in each year, upon satisfactory proof being made to him by the President and the Secretary or Clerk of such Board of Education, or Board of School Trustees, maintaining such school, of the number of pupils instructed in such school or schools and their residence, and the period of time each such pupil shall have been so instructed in such school, or schools, during the preceding year. Such proof shall form a part of the annual report to the Superintendent of Schools, as provided by law.

Section 1677. All teachers in such schools shall be appointed by the Board of Education, or Board of School Trustees, of the city, incorporate town, or school district, maintaining such school or schools; the same to have power to remove such teachers for cause. No person shall be appointed to teach any such school who shall not have first obtained a teachers' certificate, primary or kindergarten, as provided by law, and who shall not have received specific instruction in the teaching of the deaf for a term of not less than one year, and who shall not have received a certificate from an approved training school.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print and engrossment, and to retain place on special urgency file.

Senate Bill No. 7—An Act for the relief of John Mullan, and to appropriate money therefor.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Bettman, Boyce, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Simpson, Sims, Smith, and Trout—25.

NOES—Senators Ashe, Braunhart, Bulla, Currier, Laird, Rowell, Stratton, and Taylor—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and fifty minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senate Bill No. 246—An Act to provide for the organization of persons owning water which is received and distributed to their lands from a common source and by the same system of works, and also for the further acquisition and development of water.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 246 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luensinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 324—An Act appropriating \$10,000 to pay the claim of Addie McGinness.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "ten thousand dollars" on line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "five thousand dollars"

Amendment adopted.

Also: Amend by striking out the words "ten thousand dollars" on line 3, Section 2, page 1, printed bill, and inserting in lieu thereof the following: "five thousand dollars."

Amendment adopted.

Bill read second time, ordered to print and engrossment, and to retain place on special urgency file.

Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Read second time, and considered engrossed.

Read third time, and passed on file.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate (having resumed the chair), announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United State Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Thursday, February 16, 1899.

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election

of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhert, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs.—Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—75.

Quorum of the Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Wednesday, February 16, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, February 16, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier, Gillette, and Taylor—3.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Simpson, and Wolfe—7.

For *U. S. Grant, Jr.*—Senators Boyce, Cutter, Jones, Nutt, Smith, and Trout—6.
 For *Thomas R. Bard*—Senators Flint and Rowell—2.
 For *Irving M. Scott*—Senator Davis—1.
 For *John Rosenfeld*—Senator Feeney—1.
 For *Stephen M. White*—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—11.
 For *William T. Jeter*—Senator Hall—1.

Whole number of votes cast by Senators	36
W. H. L. Barnes received	4 votes.
R. N. Bulla received	3 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	6 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	11 votes.
William T. Jeter received	1 vote.

During roll call, Senator Simpson proceeded to explain his vote.

POINT OF ORDER.

Assemblyman Melick made the point of order that no business or explanation of votes could intervene during roll call.

POINT OF ORDER WELL TAKEN.

The President pro tem. of the Senate, then presiding, decided the point of order well taken.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For *M. M. Estee*—Mr. Wade—1.

For *R. N. Bulla*—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For *D. M. Burns*—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.

For *C. N. Felton*—Mr. Brown—1.

For *U. S. Grant, Jr.*—Messrs. Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For *Irving M. Scott*—Mr. Dunlap—1.

For *Stephen M. White*—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Stewart, E. D. Sullivan, Wardell, and White—17.

For *John Rosenfeld*—Mr. Crowley—1.

For *James D. Phelan*—Mr. Burnett—1.

Whole number of votes cast by Assemblymen	74
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	17 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Stephen M. White received	17 votes.
John Rosenfeld received	1 vote.
James D. Phelan received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	110
Necessary to a choice	56
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	12 votes.
D. M. Burns received	24 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	25 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	2 votes.
John Rosenfeld received	2 votes.
Stephen M. White received	28 votes.
William T. Jeter received	1 vote.
James D. Phelan received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION TO ADJOURN.

Senator Leavitt moved that the Joint Assembly do now adjourn.

The ayes and noes were demanded by Assemblymen Dale, Crowder, and Works.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Bettman, Burnett, Chapman, Dickinson, Feeney, Flint, Gillette, Hoey, Laird, Langford, Leavitt, Luchsinger, Rowell, Simpson, and Wolfe—15.

NOES—Senators Ashe, Boyce, Braunhart, Bulla, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Hall, Jones, La Rue, Maggard, Morehouse, Nutt, Pace, Prisk, Sims, Stratton, Taylor, and Trout—22.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Boynton, Burnett, Caminetti, Clough, Cobb, Crowley, Devoto, Dibble, Henry, Hoey, Jilson, Johnson, Kenneally, Lundquist, McKeen, Miller of San Francisco, Rickard, Eugene Sullivan, and Mr. Speaker—24.

NOES—Messrs. Bliss, Blood, Boone, Brown, Cargill, Chynoweth, Clark, Conrey, Cosper, Cowan, Crowder, Dale, De Lancia, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Huber, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Robinson, Stewart, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Wright—51.

Upon the conclusion of the roll call, the Speaker of the Assembly announced the result, and declared that the Joint Assembly had refused to adjourn.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Currier, Gillette, and Taylor—3.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Simpson, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, and Trout—6.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Irving M. Scott—Senator Davis—1.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—11.

For William T. Jeter—Senator Hall—1.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	3 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	6 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	11 votes.
William T. Jeter received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Bree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.

For C. N. Felton—Mr. Brown—1.

For U. S. Grant, Jr.—Messrs. Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Mr. Dunlap—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Stewart, E. D. Sullivan, Wardell, and White—17.

For James D. Phelan—Mr. Burnett—1.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	74
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	17 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	19 votes.
Irving M. Scott received.....	1 vote.
Stephen M. White received.....	17 votes.
James D. Phelan received.....	1 vote.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	110
Necessary to a choice.....	56
W. H. L. Barnes received.....	11 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	12 votes.
D. M. Burns received.....	24 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	25 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	2 votes.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	28 votes.
William T. Jeter received.....	1 vote.
James D. Phelan received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and forty-five minutes P. M., on motion of Assemblyman Wright, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Friday, February 17, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and fifty-seven minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Brauhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Maggard, Morehouse, Pace, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

Quorum present.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bettman, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Jones, Laird, Langford, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, and Trout—26.

Quorum present.

MOTION.

Senator Curtin moved that Senate Bill No. 324—An Act appropriating \$10,000 to pay the claim of Addie McGinness—which was amended this day, be recalled from print for the purpose of further amendments.

So ordered.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 118—An Act to regulate the practice of horse-shoeing in the State of California, providing for the registration of master and journeyman horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 118 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Leavitt, Luchsinger, Morehouse, Nutt, Simpson, Stratton, Taylor, and Wolfe—23.

NOES—Senators Curtin, Davis, Gillette, Langford, Pace, Prisk, Rowell, Sims, Smith, and Trout—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments, and to include propositions.

Passed on file.

Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

Read third time.

Senator Dickinson moved that Senator Morehouse be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 3, the words "adult residents," and inserting the following: "resident electors."

Motion carried:

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations—with instructions to amend, respectfully reports the same back, amended as per instructions.

MOREHOUSE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 53—An Act to provide for the reorganization of municipal corporations, and for determining the population thereof.

Read third time, and passed on file.

Assembly Bill No. 286—An Act authorizing cities and towns of the sixth class to obtain, by purchase, donation, or devise, lands for cemetery purposes; and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 286 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Dickinson, Dwyer, Flint, Hoey, Jones, Laird, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Smith, Stratton, and Taylor—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your committee on State Prisons and Prison Buildings, to whom

was referred Senate Bill No. 497—An Act to provide special quarters in county, city and county jails, city jails, or police stations, for juvenile prisoners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 472—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a reformatory for the confinement and reformation of prison convicts; to select and secure a site, and submit sketch, plans, and specifications therefor, to investigate and report upon the feasibility of the sale of the property belonging to the State at San Quentin, and of segregating the prisoners into classes, looking to the confinement of incorrigibles at Folsom Prison; to enlarge said prison for that purpose, and to the confinement of those capable of reformation at such reformatory when established, and to make an appropriation for such purpose—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Finance and Claims, and do pass as amended by committee.

BULLA, Chairman.

Senate Bill No. 497 ordered on file for second reading.

Senate Bill No. 472 referred to Committee on Finance and Claims.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 409—An Act to prohibit the issuance or use of trading stamps—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to Committee on Finance and Claims.

NUTT, Chairman.

Senate Bill No. 409 ordered on file for second reading.

Assembly Bill No. 249 referred to Committee on Finance and Claims.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 82—An Act authorizing the State Treasurer to furnish his office and the vault therein, and making an appropriation therefor.

Also: Senate Bill No. 133—An Act adding two new sections to the Political Code of this State, to be numbered 1118 and 1119, concerning elections, providing for registration for primary elections.

And report that the same have been correctly enrolled, and presented the same to the Governor on this sixteenth day of February, 1899, at two o'clock and thirteen minutes P. M.

JONES, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 291—An Act to provide for the organization of mutual corporations to transact the business of life, health, and accident insurance on the stipulated premium plan, and the conduct of the business of such corporation, and to repeal an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

SIMPSON, Chairman.

Senate Bill No. 291 ordered on file for second reading.

BILL RECALLED FROM PRINT FOR PURPOSE OF AMENDMENT.

Senate Bill No. 324—An Act appropriating \$10,000 to pay the claim of Addie McGinness—having been recalled from print, on motion of Senator Curtin, for the purpose of amendment, the following amendment was offered by Senator Curtin:

Amend by striking out of the title the words and figures "ten thousand dollars (\$10,000)," and inserting the words and figures "five thousand dollars (\$5,000)."

Amendment adopted.

Bill ordered to print and engrossment.

RESOLUTIONS—(OUT OF ORDER).

Senator Rowell offered the following resolution, and moved its adoption:

Resolved, That the Senate Committee on Hospitals, Health and Quarantine be hereby authorized to visit the State Hospital for the Insane at Stockton and the State Hospital for the Insane at Napa and that the members of the committee who visit these hospitals be allowed their actual expenses while so engaged.

Resolution read and adopted.

Senator Laird offered the following resolution, and moved its adoption:

Resolved, That two members of the Committee on Finance and Claims and three on Public Buildings be and they are hereby granted leave of absence until noon on the 17th instant, to visit the Stockton State Hospital, and that they be allowed their actual expenses for the trip.

Resolution read and adopted.

BILL WITHDRAWN FOR PURPOSE OF AMENDMENT.

Senator Stratton moved that Senate Bill No. 134—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund—be withdrawn from engrossment for the purpose of amendment.

So ordered.

Senate Bill No. 134—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund—having been withdrawn from engrossment, the following amendments were offered by Senator Stratton:

Strike out of committee substitute from the title the following: "sixteen hundred and seventy-four, sixteen hundred and seventy-five, sixteen hundred and seventy-six, and sixteen hundred and seventy-seven," and insert in lieu thereof the following: "sixteen hundred and seventy-eight, sixteen hundred and seventy-nine, sixteen hundred and eighty, and sixteen hundred and eighty-one."

Also That the secretary be authorized to renumber the sections of the said substitute bill consecutively by striking out the numbers 1674, 1675, 1676, and 1677, and inserting in lieu thereof respectively 1678, 1679, 1680, and 1681.

Amendments adopted.

Bill ordered to print and engrossment.

CONSIDERATION OF DAILY FILE—(RESUMED)—SPECIAL URGENCY FILE.

Senate Bill No. 283—An Act to appropriate money for establishing an ice-making and refrigerating plant at the Preston School of Industry.
Passed on file.

Senate Bill No. 122—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "eight thousand eight hundred and eighty-nine dollars and fifty-one cents," on lines 1 and 2, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "three thousand four hundred and forty dollars and thirty-one cents."

Amendment adopted.

Also: Amend by striking out the words "eight thousand eight hundred and eighty-nine dollars and fifty-one cents" on lines 3 and 4, Section 2, page 1, printed bill, and inserting in lieu thereof the following: "three thousand four hundred and forty dollars and thirty-one cents."

Amendment adopted.

Bill ordered to print, engrossment, and to retain place on special urgency file.

Senate Bill No. 354—An Act to amend Section 1 of "An Act to authorize State agricultural societies under control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied," approved February 25, 1897, and to add two new sections thereto.

Passed on file.

Senate Bill No. 444—An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897.

Read second time.

Read third time.

Senator Smith moved that Senator Chapman be appointed a special committee of one to amend the bill as follows:

Amend by striking out Sections 5 and 8.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 444—An Act in relation to municipal elections, where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote on proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897—with instructions to amend, respectfully reports the same back, amended as per instructions.

CHAPMAN, Committee.

The adoption of the report of special committee of one and amendments still pending.

Bill ordered to print, engrossment, and to retain place on special urgency file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Bettman: Senate Bill No. 660—An Act to provide for the giving of bonds by the keepers of intelligence offices, defining the same, and their liabilities.

Read first time, and referred to Committee on Judiciary.

By Senator Prisk: Senate Bill No. 661—An Act to appropriate the sum of \$300 to pay the claim of J. B. Sanford, for money due and owing the said J. B. Sanford from the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Davis (by request): Senate Bill No. 662—An Act to amend Section 1416 of the Civil Code, relative to water rights.

Read first time, and referred to Committee on Irrigation and Water Rights.

By Senator Leavitt: Senate Bill No. 663—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895.

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Simpson: Senate Bill No. 664—An Act to amend an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, page 32), by adding thereto two new sections, providing for the recovery of damages for any detriment or injury suffered by any person by reason of the enforcement of said Act.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Sims: Senate Bill No. 665—An Act entitled "An Act authorizing the Board of Supervisors of any county from time to time to refund a bonded indebtedness."

Read first time, and referred to Committee on County Government and Township Organization.

By Senator Wolfe (by request): Senate Bill No. 666—An Act to provide for the payment for the advertising of the constitutional amendments, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

By Senator Bulla: Senate Bill No. 667—An Act to provide for the appointment of an unsalaried commission to investigate and report upon methods for the preservation of the forests of the State.

Read first time, and referred to Committee on Forestry, Fish, and Game.

By Senator Smith: Senate Bill No. 668—An Act to provide for the branding and marking of livestock, for taxing brands and marks, and for the recording of brands and marks, to prevent the defacing of brands and marks, to provide penalties for violations thereof, and to repeal all Acts and parts of Acts in conflict herewith.

Read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Also: Senate Bill No. 669—An Act making an appropriation to pay the claim of Alfred Harrell, publisher of the Bakersfield Californian, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Trout: Senate Constitutional Amendment No. 19—Relative to adding a new section to Article XIII of the Constitution of the State of California, to be numbered 12½, relating to revenue and taxation.

Referred to Committee on Judiciary.

SPECIAL ORDER SET.

On motion of Senator Boyce, the consideration of the second reading of Senate bills was made a special order for eight o'clock P. M. of this day.

LEAVE OF ABSENCE.

Senator Dwyer, on his own motion, was granted a leave of absence until Monday, February 20, 1899.

RECESS.

At four o'clock P. M., on motion of Senator Dickinson, the Senate was declared at recess till eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feenev, Flint, Hall, Hoey, Jones, Langford, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—27.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER.)

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 14—Relative to an inquiry into the alleged servitude in Siberia of Frank Bassford and his companions—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEAVITT, Chairman.

Assembly Joint Resolution No. 14 ordered on special file of Assembly bills.

SPECIAL ORDER.

The consideration of the second reading of bills having been set as a special order for this hour, the second-reading file was taken up and the bills thereon considered in regular order, as follows:

SECOND READING OF BILLS.

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Passed on file.

Senate Bill No. 78—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

During the second reading of bill, the following amendment was offered by Senator Langford:

Amend by striking out all the proposed enacting clause and inserting the following in lieu thereof: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 20—An Act providing for the dissolution and annulment of swamp and overflowed land reclamation districts for nonuser of corporate powers.

Passed on file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following:

Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor.

Also: Senate Bill No. 46—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

And report that the same have been correctly enrolled, and presented the same to the Governor on this, the 16th day of February, 1899, at three o'clock and fifty-eight minutes P. M.

Also: Senate Bill No. 551—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature—and report that the same has been correctly enrolled, and presented the same to the Governor on this, the 16th day of February, 1899, at eight o'clock and five minutes P. M.

JONES, Chairman.

ON RULES AND REVISION—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following:

Resolved by the Senate, the Assembly concurring, That Joint Rule XXXIV be temporarily suspended, and that the attorneys' fees in the election contest of Leon Dennery vs. R. Porter Ashe be allowed as follows:

To Frank H. Powers, as attorney for the contestant.....	\$250 00
To Eugene F. Bert, as attorney for the contestant.....	250 00
To H. H. McPike, as attorney for the contestee.....	166 66
To A. S. Newburgh, as attorney for the contestee.....	166 66
To Francis J. Heney, as attorney for the contestee.....	166 66

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BETTMAN, Chairman.

SPECIAL ORDER SET.

Senator Stratton moved that the consideration of the report of the Committee on Rules and Revision be made a special order for Friday, February 17, 1899, immediately after reading of the Journal.

Senator Dickinson moved to amend by making the hour at three o'clock and thirty minutes P. M. of that day.

Amendment lost.

The question recurring on the original motion made by Senator Stratton.

The same was carried.

ON MINES, DRAINAGE, AND DÉBRIS—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Débris, to whom was referred Senate Bill No. 501—An Act authorizing the location and sale of mining claims upon public lands of the State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 142—An Act to amend an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of locations and affidavits," approved March 27, 1897, by adding a new section thereto, defining who may not relocate a claim after the same has lapsed for want of the performance of labor.

Also: Senate Bill No. 159—An Act to amend an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Also: Senate Bill No. 204—An Act to amend an Act entitled "An Act relating to the working rights of way, easement, and drainage of mines in the State of California."

Also: Senate Bill No. 453—An Act to amend an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute for said bills do pass.

DAVIS, Chairman.

Senate Bills Nos. 501, 142, 159, 204, and 453 ordered on file for second reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 36—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1663, 1697, 1713, 1714, 1830, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

During the second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 36.

An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1650, 1663, 1667, 1674, 1697, 1713, 1714, 1768, 1830, 1858, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1647, relating to the public schools.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one thousand five hundred and thirty-two of the Political Code of the State of California is hereby amended so as to read as follows:

1532. It is the duty of the Superintendent of Public Instruction:

First—To superintend the schools of the State.

Second—To report to the Governor, on or before the fifteenth day of September preceding each regular session of the Legislature, a statement of the condition of the State Normal Schools and other educational institutions supported by the State, and of the public schools.

Third—To accompany his report with tabular statements showing the number of census children in the State; the number attending public schools, and the average attendance; the number attending private schools; the amount of State School Fund apportioned, and the sources from which derived; the amount raised by county and district taxes, or from other sources of revenue, for school purposes; and the amount expended for salaries of teachers, for building school-houses, for district school libraries, and for incidental expenses.

Fourth—To apportion the State School Fund; and to furnish an abstract of such apportionment to the State Controller, the State Board of Examiners, and to the County Auditors, County Treasurers, and County Superintendents of Schools of the several counties of the State.

Fifth—To draw his order on the Controller in favor of each County Treasurer for school moneys apportioned to the county.

Sixth—To prepare, have printed, and furnish all officers charged with the administration of the laws relating to the public schools, and to teachers, such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates, to be used by County Boards of Education.

Seventh—To have the laws relating to the public schools printed in pamphlet form, and to supply school officers and school libraries with one copy each.

Eighth—To visit the several orphan asylums to which State appropriations are made, and examine into the course of instruction therein.

Ninth—To visit the schools in the different counties, and inquire into their condition; and the actual traveling expenses thus incurred (*provided*, that they do not exceed fifteen hundred dollars per annum) shall be allowed, audited, and paid out of the General Fund in the same manner as other claims are audited and paid.

Tenth—To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

Eleventh—To have bound at the State Bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him.

Twelfth—To report to the Controller, on or before the tenth day of July of each year, the total number of children in the State between the ages of five and seventeen years, as shown by the latest reports of the County Superintendents on file in his office.

Thirteenth—To deliver over, at the expiration of his term of office on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

SEC. 2. Section one thousand five hundred and forty-three of the Political Code of the State of California is hereby amended so as to read as follows:

1543. It is the duty of the County Superintendent of Schools of his county:

First—To superintend the schools of his county.

Second 1. To apportion the school money to each school district, as provided in section eighteen hundred and fifty-eight of this Code, at least four times a year, and immediately furnish the County Auditor with an abstract of the amounts apportioned to each district. For this purpose he may require of the County Auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned; and it is hereby made the duty of the Auditor to furnish such report when so required, and to keep a true and accurate account with each school district in his county of all receipts and disbursements of public school funds; and whenever an excess of money has accumulated to the credit of a school district, by reason of a large census roll and a small attendance, beyond a reasonable amount necessary to maintain a school for eight months in such district for the year, the County Superintendent of Schools shall place said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

2. If in any school district there has been an average daily attendance of only five, or a number of pupils less than five during the whole school year, the County Superintendent of Schools shall at once suspend the district, and report the fact to the Board of Supervisors at their next meeting. The Board of Supervisors, upon receiving such report from the County Superintendent of Schools, shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining school districts, in such manner as may be by them deemed most convenient for the residents of said lapsed district.

3. When any district has been declared lapsed, the Board of Supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon, the County Superintendent of Schools shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the County Auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district shall be transferred by the County Superintendent of Schools to the unapportioned school funds of the county, and shall be apportioned as other school funds are apportioned. Should there not be sufficient funds to the credit of the lapsed district to liquidate all the outstanding indebtedness thereof, the Superintendent shall draw his requisition upon the County Auditor *pro rata* for the several claims.

Third—On the order of the Board of School Trustees, or Board of Education of any city or town having a Board of Education, to draw his requisition upon the County Auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in the office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn unless the money is in the fund to pay it, and no requisition shall be drawn upon the order of the Board of School Trustees, or Board of Education, against the funds of any district except the teachers' salaries, unless such order is accompanied by an itemized bill, showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' salaries be drawn unless the order shall state the monthly salary of teacher, and name the months for which such salary is due. Upon the receipt of such requisition the Auditor shall draw his warrant upon the County Treasurer in favor of the parties for the amount stated in such requisition.

Fourth—To keep, open to the inspection of the public, a register of requisitions,

showing: 1. The fund upon which the requisitions have been drawn; 2. The number thereof; 3. In whose favor; 4. For what purpose they were drawn; and, 5. A receipt from the person to whom the requisition was delivered.

Fifth—To visit and examine each school in his county at least once in a year. For every school not so visited the Board of Supervisors must, on proof thereof, deduct ten dollars from his salary.

Sixth—To preside over teachers' institutes held in his county, and to secure the attendance thereof of lecturers competent to instruct in the art of teaching, and to report to the County Board of Education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of text-books, and the rules and regulations for the examination of teachers, prescribed by the proper authority.

Seventh—He shall have power to issue, if he deem it proper to do so, temporary certificates, valid until the next annual meeting of the County Board of Education, upon credentials upon which county boards are empowered to grant certificates without examination, as specified in sections seventeen hundred and seventy-five and fifteen hundred and three; *provided*, that no person shall be entitled to receive such temporary certificate more than once in the same county.

Eighth—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers.

Ninth—To keep in his office the reports of the Superintendent of Public Instruction.

Tenth—To keep a record of his official acts, and of all the proceedings of the County Board of Education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant, or his authorized agent.

Eleventh—Except in incorporated cities having a City Superintendent, to pass upon and approve or reject all plans for school-houses, and to approve or reject all orders for school furniture, and to accept for the district, when completed, all school buildings. To enable him to act in this matter the Board of Trustees, before adopting any plans for school buildings, or placing any order for school furniture, must submit the same to the County Superintendent of Schools for his approval.

Twelfth—To appoint trustees to fill all vacancies, to hold until the first day of July succeeding such appointment; when new districts are organized, to appoint trustees for the same, who shall hold office until the first day of July next succeeding their appointment. In case of the failure of the trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this Code, he shall appoint a janitor, who shall be paid out of the School Fund of the district. Should the Board of School Trustees of any district fail or refuse to issue an order for the compensation of such service, the County Superintendent of Schools is hereby authorized to issue, without such order, his requisition upon the County School Fund apportioned to such district.

Thirteenth—To make reports, when directed by the Superintendent of Public Instruction, showing such matters relating to the public schools in his county as may be required of him.

Fourteenth—To preserve carefully all reports of school officers and teachers, and, at the close of the official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the County Clerk.

Fifteenth—The County Superintendent of Schools shall, except in incorporated cities having a City Superintendent of Schools, in the month of May of each year, grade each school for the ensuing year, and a record thereof shall be made in a book to be kept by the County Superintendent of Schools in his office for this purpose; and no teacher holding a certificate below the grade of such school shall be employed to teach the same.

Sec. 3. Section one thousand five hundred and forty-five of the Political Code of the State of California is hereby amended so as to read as follows:

1545. If the Trustees of any school district refuse or neglect, for a period of six months during any school year, to engage a teacher, it shall be the duty of the County Superintendent of Schools to appoint a teacher and open school therein, fix the teacher's salary, and draw his requisition upon the County Auditor, who shall draw his warrant upon the funds of such district for the expenses incurred.

Sec. 4. Section one thousand five hundred and forty-nine of the Political Code of the State of California is hereby amended so as to read as follows:

1549. Each County Superintendent of Schools may appoint a deputy: and in counties employing over one hundred teachers in the primary and grammar schools, said deputy shall receive a salary which shall be fixed by the Board of Supervisors, unless otherwise fixed by law, payable out of the same fund, and at the same time that the salary of the County Superintendent of Schools is paid.

Sec. 5. Section one thousand five hundred and fifty-one of the Political Code of the State of California is hereby amended so as to read as follows:

1551. Every County Superintendent of Schools, and Superintendent of City and County Schools, in this State, must, on or before the first day of July of each year, report to the Superintendent of Public Instruction, and to the Board of Supervisors of his county, the number of children therein between the ages of five and seventeen years, as appears by the latest returns of the Census Marshals on file in his office. It shall be the duty of every County Superintendent of Schools to inquire and ascertain whether the boundaries of school districts in his county are definitely and plainly

described in the records of the Board of Supervisors, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of the districts are conflicting or incorrectly described, he shall report such fact to the Board of Supervisors, and the Board of Supervisors shall immediately take such steps as are necessary to change, harmonize, and clearly define them. The County Superintendent of Schools, if he deem it necessary for guidance of School Census Marshals, may order the description of the district boundaries printed in pamphlet form, and pay for the same out of the unapportioned County School Fund.

SEC. 6. Section one thousand five hundred and fifty-two of the Political Code of the State of California is hereby amended so as to read as follows:

1552. Each County Superintendent of Schools shall receive his actual and necessary traveling expenses, said expenses to be allowed by the Board of Supervisors, and to be paid out of the County General Fund: *provided*, that this amount shall not exceed ten dollars per district per annum.

SEC. 7. Section one thousand five hundred and fifty-three of the Political Code of the State of California is hereby amended so as to read as follows:

1553. No School Superintendent, who receives an annual salary of fifteen hundred dollars or more, must follow the profession of teaching or any other vocation that can conflict with his duties as Superintendent; but those receiving less than fifteen hundred dollars per annum may teach in the public schools of this State. Any violation of the provisions of this section shall be followed by a forfeiture of the Superintendent's salary for the period during which he was partly or wholly engaged in any vocation other than that of superintending his schools.

SEC. 8. Section one thousand five hundred and sixty of the Political Code of the State of California is hereby amended so as to read as follows:

1560. The County Superintendent of Schools of every county in which there are twenty or more school districts, and of every city and county in the State, must hold at least one teachers' institute in each year; and every teacher employed in a public school in the county must attend such institute and participate in its proceedings; *provided*, that two or more counties may unite and hold a joint institute and use the aggregate funds of the counties in payment of the expense thereof; *provided further*, that cities employing seventy or more teachers may have a separate institute, to meet at least once a year, the sessions to be of not less than three nor more than five days; *provided further*, that two or more such cities may hold a joint institute and use the aggregate special funds of the cities in payment of the expense thereof; *and provided further*, that teachers attending such city institute shall not be required to attend the county institute. The expenses of such city institutes, not exceeding two hundred dollars annually for each city, shall be paid from the special school funds of said city.

SEC. 9. Section one thousand five hundred and sixty-one of the Political Code of the State of California is hereby amended so as to read as follows:

1561. In any county in which there are less than twenty school districts, the County Superintendent of Schools may, in his discretion, hold an institute. When directed by the County Board of Education he shall hold an institute, not oftener than once each year, at such time and place as the board may direct.

SEC. 10. Section one thousand five hundred and sixty-four of the Political Code of the State of California is hereby amended so as to read as follows:

1564. The County Superintendent of Schools must keep an accurate account of the actual expenses of said institute, with vouchers for the same, and draw his requisition upon the County Auditor, who shall draw his warrant on the unapportioned County School Fund to pay said amount; *provided*, that such amount must not exceed two hundred dollars for any one year, in addition to the amount available for this purpose from the Teachers' Institute and Library Fund.

SEC. 11. Section one thousand five hundred and sixty-five of the Political Code of the State of California is hereby amended so as to read as follows:

1565. Every applicant for a teacher's certificate, permanent, limited, temporary, or duplicate, or for the renewal of a certificate, upon presenting his application shall pay to the County Superintendent of Schools a fee of two dollars, to be by him deposited with the County Treasurer to the credit of a fund to be known as the Teachers' Institute and Library Fund. All funds so credited shall be drawn out only upon the requisition of the County Superintendent of Schools, upon the County Auditor, who shall draw his warrant in payment of the services of instructors in the County Teachers' Institute; *provided*, they be not teachers in the public schools in which such institute is held; and for the purchase of books for a library for the use of the teachers of the county. At least fifty per cent of the Teachers' Institute and Library Fund shall be expended for books. The County Superintendent of Schools shall take charge of the teachers' library, prepare a catalogue of its contents, and keep a correct record of books taken therefrom and returned thereto.

SEC. 12. Section one thousand five hundred and seventy-seven of the Political Code of the State of California is hereby amended so as to read as follows:

1577. First—No new school district shall be formed at any other time than between the first day of November and the tenth day of February following, nor at that time, unless the parents or guardians of at least fifteen census children, residents of such proposed new district, and residing at a greater distance than two miles by a traveled road from the public school-house in the district in which said parents or guardians reside, present a petition to the County Superintendent of Schools, setting forth the boundaries of the new district asked for; *provided*, that the provision requiring that the petitioners

shall reside a distance of more than two miles by a traveled road from the said public school-house may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more census children, residents of a district containing more than three hundred census children; and *provided further*, that in the formation of new school districts, a sworn statement to the effect that the facts set forth in said petition are true, and that the children listed are of required school age, and reside in the territory of which said district is to be composed, shall accompany said petition.

Second—The boundaries of a school district, except as provided in section fifteen hundred and fifty-one of the Political Code, shall be changed only between the first day of November and the tenth day of February following, and then only when at least ten heads of families residing in the districts affected by the proposed change of boundaries shall present to the County Superintendent of Schools a petition setting forth the changes of boundaries desired, and the reasons for the same; *provided*, that two or more districts lying contiguous may at any time be united to constitute but one district, whenever a petition, signed by a majority of the heads of families residing in each of said districts, shall be presented to the County Superintendent of Schools.

Third—Joint districts (that is, districts lying partly in one county and partly in another) may be formed at any time between the first day of November and the tenth day of February following, whenever a petition signed by the parents or guardians of at least fifteen census children, residents of such proposed joint district, and residing at a greater distance than two miles by a traveled road from any public school-house, shall be presented to the County Superintendent of Schools of each county affected by the proposed formation of the joint district; and *provided further* that the provision requiring that the petitioners shall reside a distance of more than two miles by a traveled road from any public school-house may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more census children, residents of districts any one of which contains more than three hundred census children. All the provisions relative to the formation of joint districts shall be by concurrent action of the County Superintendent of Schools and the Board of Supervisors of each county affected.

Fourth—The children residing in any newly-formed district, in any district whose boundaries have been changed, or in any joint district, shall be permitted to attend the school in the district or districts from which the newly-formed district was constituted until the first day of July next succeeding the formation or change.

Fifth—Whenever a district shall be united with a municipality, or with another district, all funds belonging to said district shall be transferred, by requisition of the County Superintendent of Schools of the county upon the County Auditor, to the municipality or district with which said district is united.

SEC. 13. Section one thousand five hundred and seventy-eight of the Political Code of the State of California is hereby amended so as to read as follows:

1578. After giving due notice to all parties interested, by sending notice by registered mail to each of the trustees of any school district that may be affected by the proposed change, or by causing notices to be posted in three public places in each district affected, one of which shall be at the door of the school-house of said district, for at least one week, the County Superintendent of Schools must transmit the petition to the Board of Supervisors, with his approval or disapproval. If he approves the petition, he may note such changes in the boundaries as he may think desirable.

SEC. 14. Section one thousand five hundred and eighty-one of the Political Code of the State of California is hereby amended so as to read as follows:

1581. After the making of an order by the Board of Supervisors creating a new district, the school must be opened therein not later than the first Monday of October following the date of said order, otherwise said order shall be null and void.

SEC. 15. Section one thousand five hundred and eighty-three of the Political Code of the State of California is hereby amended so as to read as follows:

1583. Whenever a district lies partly in one county and partly in another, the County Superintendent of Schools must apportion to such district such proportion of the school money to which such district is entitled, as the number of school census children residing in that portion of the district situated in his county bears to the whole number of school census children in the whole district. The text-books to be used, and the rules governing the school, in such district, shall be those adopted by the Board of Education of the county in which the school-house in said joint district is located. The trustees and teachers of joint districts shall make to the County Superintendent of Schools of each county in which the district is located, the reports which other trustees and teachers are required to make, and also the number of pupils attending the school from each county. The teacher in such joint district shall not be required to hold a certificate in both counties.

SEC. 16. Section one thousand five hundred and ninety-nine of the Political Code of the State of California is hereby amended so as to read as follows:

1599. The voting must be by ballot, without reference to the general election law in regard to nominations, form of ballot, or manner of voting.

SEC. 17. Section one thousand six hundred of the Political Code of the State of California is hereby amended so as to read as follows:

1600. Any person offering to vote may be challenged by any elector of the district, and the judges of the election must thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this State one

year, in this county ninety days, and in this school district thirty days next preceding this election, and that your name has been on the Great Register of this county for fifteen days, and that you have not before voted this day." If he takes the oath prescribed in this section, his vote must be received, otherwise his vote must be rejected.

SEC. 18. Section one thousand six hundred and fifteen of the Political Code of the State of California is hereby amended so as to read as follows:

1615. First—When a new district is organized, such of the trustees of the old district as reside within the boundaries of the new shall be trustees of the new district until the expiration of the time for which they were elected.

Second—When joint districts are formed, three trustees shall be elected at the June election next succeeding the formation thereof, to hold office for one, two, and three years, respectively, from the first day of July next succeeding their election. The terms of the trustees in the districts uniting to form the joint district shall expire on the formation of said joint district, and the County Superintendent of Schools of the county in which lies the district having the greater number of census children shall appoint two trustees, and the County Superintendent of Schools of the county in which the other district lies shall appoint one trustee, to hold office until the first day of July next succeeding the formation of the joint district.

SEC. 19. Section one thousand six hundred and seventeen of the Political Code of the State of California is hereby amended so as to read as follows:

1617. The powers and duties of trustees of school districts, and of boards of education in cities, are as follows:

First—To prescribe and enforce rules not inconsistent with law, or those prescribed by the State Board of Education, for their own government and government of schools, and to transact their business at regular or special meetings called for such purpose, notice of which shall be given each member.

Second—To manage and control the school property within their districts, and to pay all moneys collected by them, from any source whatever, for school purposes, into the county treasury, to be placed to the credit of the special fund of their districts.

Third—To purchase the prescribed text-books for the use of pupils whose parents are unable to buy them; to purchase with the approval of the County Superintendent of Schools, school furniture, including organs, pianos, and apparatus, and such other things as may be necessary for the use of schools; *provided*, that in incorporated cities having a City Board of Education, and a City Superintendent of Schools, all such orders shall be approved by the City Superintendent of Schools only.

Fourth—To rent, furnish, repair, and insure the school property of their respective districts and file the insurance policies in the office of the County Superintendent of Schools.

Fifth—When directed by a vote of their district to build school-houses or to purchase or to sell school lots, and make in the name of their district conveyances of all property so purchased or sold.

Sixth—To employ the teachers, and immediately notify the County Superintendent of Schools, in writing, of such employment, naming the grade of certificate held by the teachers employed; *provided*, that on the or before the twentieth day of June of any year the Board of School Trustees, or City Board of Education shall meet and, by ballot, elect teachers for the ensuing school year. Failure to comply with this provision shall continue the teachers last employed in their positions for the ensuing school year, and in the event of said teachers declining to be continued in said positions, it shall be the duty of the County or City Superintendent of Schools, respectively, to appoint teachers to fill said positions for the ensuing school year. They shall also employ janitors and other employes of the school, and fix and order paid the compensation of all employes unless the same be otherwise prescribed by law; *provided further*, that no Board of Trustees, or City Board of Education, shall enter into any contract with such employes to extend beyond the thirtieth day of June next ensuing, except in the employment of teachers, as above provided in this subdivision.

Seventh—To suspend and expel pupils for misconduct.

Eighth—To exclude from schools children under six years of age; *provided*, that in cities and towns in which the kindergarten has been adopted, or may hereafter be adopted, as a part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years.

Ninth—To enforce in schools the course of study and the use of text-books prescribed and adopted by the proper authority.

Tenth—To appoint district librarians, and enforce the rules prescribed for the government of district libraries.

Eleventh—To exclude from school and school libraries all books, publications or papers of a sectarian, partisan, or denominational character.

Twelfth—To furnish books for the children of parents unable to purchase them; the books so furnished to belong to the school district, and to be kept in the district school library when not in use.

Thirteenth—To keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered.

Fourteenth—To permit children from other districts to attend the school of their district upon the consent of the Trustees of the district in which such children reside. Should the Trustees of either district refuse to grant their consent, the parents or

guardians of such children may appeal to the County Superintendent of Schools, and his decision shall be final; *provided further*, that if Boards of Trustees or Boards of Education refuse to comply with the provisions of this subdivision of this section, the County Superintendent of Schools may refuse to draw any requisition upon the order of said Board of Trustees or Board of Education so offending.

Fifteenth—On or before the first day of April in each year, to appoint a School Census Marshal, and notify the County Superintendent of Schools thereof; *provided*, in any city, or city and county, the appointment of all School Census Marshals shall be subject to the approval of the City Superintendent of Schools.

Sixteenth—To make an annual report, on or before the first day of July, to the County Superintendent of Schools, in the manner and form, and on the blanks prescribed by the Superintendent of Public Instruction.

Seventeenth—To make a report, whenever required, directly to the Superintendent of Public Instruction, of the text-books used in their schools.

Eighteenth—To visit every school in their district at least once in each term, and examine carefully into its management, condition, and wants. This clause to apply to each and every member of the Board of Trustees.

Nineteenth—Boards of Trustees may, and upon a petition signed by a majority of the heads of families resident in the district, as shown by the last preceding school census, must call meetings of the qualified electors of the district for determining or changing the location of the school-house, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged; or in regard to any affairs of the district. Such meetings shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the school-house, for not less than ten days previous to the time for which the meeting shall be called, which notices shall specify the purposes for which said meeting shall be called; and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a chairman from the electors present, and the District Clerk shall be clerk of the meeting, and shall enter the minutes thereof on the records of the district. A meeting called shall be competent to instruct the Board of Trustees:

1. In regard to the location or change of location of the school-house, or the use of the same for other than school purposes; *provided*, that in no case shall the school-house be used for purposes which necessitate the removal of any school desks or other school furniture.

2. In regard to the sale and purchase of school sites.

3. In regard to prosecuting, settling, or compromising any litigation in which the district may be engaged, and may vote money from the county fund of the district, not exceeding one hundred dollars, in any one year, for any of these purposes.

All funds raised by the sale of school property may be disposed of by direction of a district meeting. District meetings may be adjourned from time to time, as found necessary, and all votes instructing the Board of Trustees shall be taken by ballot. The Board of Trustees shall in all cases be bound by the instructions of the district meeting in regard to the subjects mentioned in this subdivision of this section; *provided*, that the vote in favor of changing the location of the school-house shall be two thirds of all electors voting at said meeting upon the proposition to change the location; and *provided further*, that a new school site shall be elected at the same time at which, and by the same vote by which, the site is changed.

SEC. 20. Section one thousand six hundred and twenty-one of the Political Code of the State of California is hereby amended so as to read as follows:

1621. The Boards of School Trustees and City Boards of Education must use the school moneys received from State and county apportionments exclusively for the support of schools for that school year, until at least an eight months' school has been maintained. If, at the end of any year, during which an eight months' school has been maintained, there is an unexpended balance, it may be used for the payment of claims outstanding against the district, or it may be used for the year succeeding. Any balance remaining on hand at the end of any school year in which school has not been maintained eight months shall be reapportioned by the County Superintendent of Schools, as other moneys are apportioned; *provided*, that if a district has been prevented from maintaining a school for eight months in any year in consequence of fire, flood, prevailing epidemic, or other cause which may, upon investigation by the County Superintendent of Schools, be determined to be a good and sufficient one, said balance shall not be reapportioned.

SEC. 21. Section one thousand six hundred and twenty-two of the Political Code of the State of California is hereby amended so as to read as follows:

1622. Boards of School Trustees and City Boards of Education may use, within the provisions of the Constitution of the State of California, the school moneys received from State and county apportionments during the school year for any of the purposes authorized by this chapter; but a sum equal to the amount received from State apportionments, and at least sixty per cent of county apportionments, exclusive of the Library Fund, must be used exclusively for the payment of salaries of teachers of primary and grammar schools.

SEC. 22. Section one thousand six hundred and twenty three of the Political Code of the State of California is hereby amended so as to read as follows:

1623. Boards of Trustees and City Boards of Education are liable as such, in the name of the district, for any judgment against the district for salary due any teacher on contract, and for all debts contracted under the provisions of this chapter, and they must

pay such judgments or liabilities out of the school moneys to the credit of such district; *provided*, that the contracts mentioned in this section are not in excess of the school moneys accruing to the district for the school year for which the contracts are made, otherwise the district shall not be held liable.

Sec. 23. Section one thousand six hundred and fifty is hereby amended so as to read as follows:

1650. It is the duty of the clerk:

First—To call meetings of the board at the request of two members, and to act as clerk of the board and keep a record of its proceedings, and an accurate account of the receipts and expenditures of school moneys.

Second—To keep his records and accounts open to the inspection of the electors of the district, in suitable books provided by the Board of School Trustees for that purpose.

Third—To place the monthly journal designated as the official organ of the Department of Public Instruction in the school district library each month; and if he fails to receive it regularly to immediately notify the County Superintendent of Schools of such fact.

Fourth—To perform such other duties as may be prescribed by the board.

Sec. 24. Section one thousand six hundred and sixty-three of the Political Code of the State of California is hereby amended so as to read as follows:

1663. 1. The primary and grammar schools of the State shall be classed as elementary schools. The first five years, exclusive of the kindergarten classes, shall constitute the primary grades, and the succeeding four years shall constitute the grammar grades. The County Board of Education must, except in incorporated cities having Boards of Education, on or before the first day of July, prescribe the course of study in each grade for the ensuing year;

2. Except in incorporated cities having Boards of Education, the County Board of Education shall provide for a final examination and conferring of diplomas of graduation on those pupils who have satisfactorily completed the course of study provided for the elementary schools of the county.

3. The County Board of Education may amend and change, subject to section sixteen hundred and sixty-five, either of the above courses of study, whenever necessary.

Sec. 25. Section one thousand six hundred and sixty-seven is hereby amended so as to read as follows:

1667. Instruction must be given, in all grades of school and in all classes during the entire school course, in manners and morals, humane education, and upon the nature of alcoholic drinks and narcotics and their effects upon the human system.

Sec. 26. A new section is hereby added to the Political Code of the State of California, to be numbered and known as section one thousand six hundred and seventy-four, to read as follows:

1674. In schools of more than one teacher, the Board of School Trustees, or City Board of Education, must designate one of the teachers as the principal of the school, who shall have general supervision of the entire school; *provided*, that nothing in this section shall be so construed as to prevent Boards of Trustees and Boards of Education from selecting a principal to supervise the work of two or more schools in one school district.

Sec. 27. Section one thousand six hundred and ninety-seven of the Political Code of the State of California is hereby amended so as to read as follows:

1697. A school month is construed and taken to be twenty school days, or four weeks of five school days each, including legal holidays.

Sec. 28. Section one thousand seven hundred and thirteen of the Political Code of the State of California is hereby amended so as to read as follows:

1713. The Library Fund shall consist of not less than three, nor more than ten per cent of the County School Fund, the rate to be determined by the County Superintendent of Schools, annually apportioned to the districts; *provided*, that to cities or school districts having five hundred or more census children, there shall be apportioned a sum not to exceed seventy-five dollars for every one thousand census children or fraction thereof of five hundred or more.

Sec. 29. Section one thousand seven hundred and fourteen of the Political Code of the State of California is hereby amended so as to read as follows:

1714. The rate per cent of the County School Fund, as provided for in section one thousand seven hundred and thirteen, shall be fixed annually by the County Superintendent of Schools, and the sums thereby determined shall be by him apportioned to the Library Fund of the respective school districts. The City Superintendent of Schools shall distribute the Library Fund in cities not divided into districts, among the several schools in proportion to the average number of children belonging to each school.

Sec. 30. Section one thousand seven hundred and sixty-eight is hereby amended so as to read as follows:

1768. First—Except in any city and county, there shall be a County Board of Education, which shall consist of the County Superintendent of Schools and of four other members, appointed by the Board of Supervisors of the county, from a list of names submitted by the County Superintendent of Schools; *provided*, that the said list submitted shall contain at least two names for each member so appointed.

Second—At the last regular meeting of the Board of Supervisors preceding the first day of July in each year, two members of the County Board of Education shall be appointed to serve for a period of two years.

Third—If the Board of Supervisors of any county refuse or neglect to appoint

members of the County Board of Education as provided for in subdivisions one and two of this section, it shall be the duty of the County Superintendent of Schools to appoint them. Should a vacancy occur at any time in the County Board of Education, it shall be the duty of the Board of Supervisors to appoint a person to fill such vacancy; *provided*, that all appointments to fill vacancies be made for the unexpired term.

Fourth—If the Board of Supervisors of any county refuse or neglect to appoint members of the County Board of Education, as provided in subdivision three of this section, it shall be the duty of the County Superintendent to appoint them. Should a vacancy occur at any time in the County Board of Education, it shall be the duty of the Board of Supervisors to appoint a party to fill such vacancy.

Fifth—The members of the County Board of Education elected or appointed, shall qualify within ten days after receiving notice of their election or appointment.

Sixth—The County Board of Education shall organize on the first meeting subsequent to the first day of July in each year, by electing one of their number president of the board. The County Superintendent shall be ex officio secretary of the board.

Seventh—For the transaction of business three members shall constitute a quorum; but no teacher's certificate shall be issued, renewed, or revoked, nor shall any books or apparatus be adopted, except by an affirmative vote of at least three members of the board. On the call of any member, the ayes and nays shall be taken upon any proposition, and the vote shall be recorded in the minutes of the board.

SEC. 31. Section one thousand eight hundred and thirty of the Political Code of the State of California is hereby amended so as to read as follows:

1830. The Board of School Trustees of any district may, prior to the fifteenth day of August in any calendar year, when in their judgment it is advisable, call an election, and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or to maintain any school in such district, or for building one or more school-houses, or for any two or all of these purposes; *provided*, that where a tax has been collected for the purpose of building a school-house, and the erection of said school-house shall not have been commenced within two years from the time said tax was collected, the custodian of said money shall return the same to the parties from whom said tax was collected.

SEC. 32. Section one thousand eight hundred and fifty-eight is hereby amended so as to read as follows:

1858. All State school moneys apportioned by the Superintendent of Public Instruction must be apportioned to the several counties in proportion to the number of school census children, as shown by the returns of the school census marshals of the preceding school year; *provided*, that Indian children whose parents are on Government reservations, or are living in the tribal relation, and Mongolian children not native born, shall not be included in the apportionment list. The School Superintendent in each county must apportion all State and county school moneys as follows:

First—He must ascertain the number of teachers each district is entitled to, by calculating one teacher for every seventy school census children, or fraction thereof, not less than twenty school census children, as shown by the next preceding school census; *provided*, that all children in any asylum and not attending the public schools, of whom the authorities of said asylum are the guardians, shall not be included in making the estimate of the number of teachers to which the district in which the asylum is located is entitled.

Second. He must ascertain the total number of teachers for the county, by adding together the number of teachers assigned to the several districts.

Third—Five hundred dollars shall be apportioned to each district for every teacher assigned to it; *provided*, that to districts having ten and less than twenty school census children, shall be apportioned four hundred dollars; *provided further*, that to districts having over seventy school census children, or any multiple thereof, and a fraction less than twenty, there shall be apportioned twenty dollars for each census child in said fraction; and *provided further*, that districts having less than ten census children shall receive no apportionment other than that provided for in subdivision four of this section.

Fourth—All school money remaining on hand after apportioning to the districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in the primary and grammar schools in each district during the preceding school year. Census children, wherever mentioned in this chapter, shall be construed to mean those between the ages of five and seventeen years.

Fifth—Whenever in any school year, prior to the receipt by the counties, cities, or cities and counties of this State, of their State, county, or city school fund, the school districts or cities shall not have sufficient money to their credit to pay the lawful demands against them, the County, City, or City and County Superintendent shall give the Treasurer of said county, city, or city and county, an estimate of the amount of school money that will next be paid into the county, city, or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate, it shall be the duty of the Treasurer of said county, city, or city and county, to transfer, from any fund not immediately needed to pay claims against it, to the proper school fund, an amount not to exceed ninety per cent of the amount estimated by the Superintendent, and he shall immediately notify the Superintendent of the amount so transferred. The funds so transferred to the School Fund shall be retransferred by the Treasurer to the fund from which they were taken, from the first money paid into the School Fund after the transfer.

Sec. 33. Section one thousand eight hundred and seventy-four of the Political Code of the State of California is hereby amended so as to read as follows:

1874. In the adoption of text-books, all county, city, and city and county Boards of Education shall be governed by the following rules:

First—Any books hereafter adopted as a part of a uniform series of text-books must be continued in use for not less than four years.

Second—No change of text-books must be made at any other time than in the months of April, May, or June of the year in which the change is made, and no changes shall be made to take effect until the beginning of the school term commencing after the thirtieth day of June of that year; and no books other than those published by the State shall be adopted by the Board of Education of any county, city, city and county, or be used as text-books in any of the public schools of this State, in the subjects of reading, orthography, English, grammar, arithmetic, geography, United States history, physiology, and civil government; *provided*, that books supplementary to the State series in these subjects may be recommended by said Boards of Education; and *provided further*, that said supplemental books be furnished to the pupils of the various school districts throughout the State free of charge.

Third—At least sixty days' notice of any proposed change in text-books must be given by publication in a newspaper of general circulation published in the county, if there be one, in which such change is to be made. If there be no newspaper published in the county, then such publication shall be made in any newspaper having a general circulation in the county. A copy of the newspaper containing such publication, with such notice marked, must, immediately after the first publication thereof, be by the secretary of the board transmitted to the State Board of Education, and the same, when received, must be filed by the secretary of said State board. Said notice shall state what text-books it is proposed to change; that sealed bids or proposals will be received by the board for furnishing books to replace them; the place where and the day and hour when all bids or proposals will be opened, and that the board reserves the right to reject any and all bids or proposals. Said notice shall be published in such newspaper as often as the same shall be issued after the first publication thereof.

Fourth—At the time and place specified in said notice, the board shall meet and publicly open and read all of the bids or proposals which have been received by them, and shall make their awards thereon, within ten days thereafter.

Fifth—Said bids or proposals must be accompanied by sample copies of the books proposed to be furnished, together with a statement of the wholesale and retail price at which the publisher agrees to furnish each book within the county, or at San Francisco, during the full time for which said books are to be adopted.

Sixth—If no satisfactory bids or proposals are received, then the books already in use may continue in use until changed, as herein provided.

Seventh—The publisher or publishers whose proposals shall be accepted must enter into a written contract with the Board of Education making the award, and shall give a good and sufficient bond in a reasonable sum, to be fixed by the Board of Education, for the faithful performance thereof. Publishers of books already in use may bid under the provisions of this section as well as others, and such bids, if satisfactory, may be accepted by the board.

Eighth—Nothing in this Act shall conflict with any provision of law relating to the State Series of text-books; nor shall anything be construed to permit the adoption of any text-books upon any subject covered by the State series of books.

Sec. 34. Section one thousand eight hundred and seventy-five of the Political Code of the State of California is hereby amended so as to read as follows:

1875. If any city or district refuse or neglect to use the books that may be prescribed, or use any other text-books in any of the prescribed studies, the County Superintendent of Schools must withhold from such city, town, or district, twenty-five per cent of all State school moneys to which it may be entitled, until it comply; and any moneys so withheld must be apportioned by the County Superintendent of Schools at the next apportionment of State school moneys, in the same manner as other school moneys in the treasury.

Sec. 35. Section one thousand eight hundred and eighty-two of the Political Code of the State of California is hereby amended so as to read as follows:

1882. Such notice must contain:

1. The time and place of holding such election.
2. The names of the inspectors and judges to conduct the same.
3. The hours during the day in which the polls will be open.
4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding twenty, the whole or any part of said bonds are to run.

Sec. 36. This Act shall take effect and be in force on and after the sixth day of April, one thousand eight hundred and ninety-nine.

Substitute read and adopted.

The following amendments to the Committee Substitute for Senate Bill No. 36 were offered by Senator Boyce:

Amend by striking out of Section 2, line 10, the words "an abstract," and inserting in lieu thereof the words "a statement."

Amendment adopted.

Also: Amend by striking out of Section 2, line 11, the words "For this purpose," and changing the "h" in "he" to a capital "H."

Amendment adopted.

Also: Amend by adding to Section 2, line 35, after the words "of said lapsed district," the following: "*provided*, that districts that are bonded shall retain their identity for taxable purposes until the bonds of such district are redeemed."

Amendment adopted.

Also: Amend by striking out of Section 2, line 56, the word "the," and inserting in lieu thereof the word "his."

Amendment adopted.

Also: Amend by adding to Section 2, line 65, after the words "salary of" the following word: "the."

Amendment adopted.

Also: Amend by striking out of Section 2, line 77, the word "a" and inserting the word "each" in lieu thereof.

Amendment adopted.

Also: Amend by striking out of Section 2, line 132, the word "the," following the word "of," and inserting the word "his" in lieu thereof.

Amendment adopted.

Also: Amend by adding to Section 19, line 36, after the word "education" the following words: "except in any city and county."

Amendment adopted.

Also: Amend by striking out of Section 19, line 140, the word "elected," and inserting in lieu thereof the word "selected."

Amendment adopted.

Also: Amend by adding to Section 32, line 10, after the words "in the apportionment list," the following words: "all moneys payable out of the Kindergarten Fund shall be apportioned by the Superintendent of Public Instruction to the counties having kindergarten classes in primary schools, in proportion to the average number of children in daily attendance in said county attending such kindergarten schools in each respective county, or city and county."

Amendment adopted.

Also: Amend by adding to Section 32, line 42, after the words "and seventeen years," the following words: "and in any school district wherein is located a State Normal School, the Superintendent of said Normal School shall, at the close of the yearly session thereof, certify to the School Superintendent of such county in which such school is situated, the number of pupils between the ages of five and seventeen years enrolled in the training school of such Normal School, residing within said school district, and the apportionment made by the School Superintendent of such county, under the provisions of this section shall include, and the district in which such State Normal School is located shall be entitled to receive, an apportionment for the daily average attendance of such children so attending said training school."

Amendment adopted.

Also: Amend by adding to Section 32, line 61, after the words "fund after the transfer," the following words: "Sixth—The School Superintendent in each county, or city and county, shall also apportion and distribute to the various school districts and cities having kindergarten departments in their primary schools, the amount of money allotted to their respective county, or city and county, from the Kindergarten Fund, in proportion to the average daily attendance of scholars attending kindergarten classes in said districts and cities."

Amendment adopted.

The following amendment was offered by Senator Nutt:

Amend by striking out the period in line 51, page 15, subdivision 7 of Section 19, and adding a comma and the following words in lieu thereof: "*provided*, that in case of any such suspension, or expulsion, the County or City Superintendent of Schools may be appealed to and his decision shall be final."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 169—An Act to provide for the appointment of State detectives; to establish their duties, and to provide for the payment of their salaries.

Senator Langford asked for and was granted unanimous consent to withdraw Senate Bill No. 169.

Senate Bill No. 169 withdrawn and ordered stricken from the file.

Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

During the second reading of bill, the following amendments were offered by Senator Boyce:

Amend by inserting after the word "person," in Section 1, line 7, of printed bill, the following words: "*provided*, that such assent can only be given, after the court having jurisdiction over said estate shall grant an order conferring such authority, which order shall be made after a hearing in open court upon the petition of the guardian, after notice of at least ten days, mailed by the Clerk of the Court, to all the known relatives of the ward residing in the county where the proceedings are pending."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Boyce, Burnett, and Nutt.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Dickinson, Doty, Feeney, Gillette, Langford, Morehouse, Nutt, Prisk, Rowell, Stratton, Trout, and Wolfe—18.

NOES—Senators Bulla, Davis, Smith, and Taylor—4.

Also: Amend by striking out of Section 1, line 7, after the word "person" the words "and he," and inserting in lieu thereof the words "the guardian."

Amendment adopted.

Also: Amend by striking out of Section 1, line 12, the words "upon an order of the court" and inserting in lieu thereof the following words: "upon obtaining from said court having jurisdiction over said estate, authority to so consent after a hearing in open court upon the petition of the guardian, after notice of at least ten days, mailed by the Clerk of the Court to all the known relatives of the ward residing in the county where the proceedings are pending."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 173—An Act amending Section 1042 of the Penal Code of the State of California, concerning the mode of trial in criminal cases.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "disturbing the peace and other similar petty offenses," on lines 8 and 9, Section 1, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 390—An Act to amend Section 2440 of the Political Code of the State of California, approved March 12, 1872, relating to

the appointment of Pilot Commissioners for San Francisco, Mare Island, and Benicia.

Read second time, and ordered to engrossment.

Senate Bill No. 81—An Act relating to the compensation of County Recorders in counties where their compensation is fees only, instead of salary.

Senator Nutt asked for and was granted unanimous consent to withdraw Senate Bill No. 81, and substitute therefor on file Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay.

Senate Bill No. 81 withdrawn and ordered stricken from the file, and Senate Bill No. 47 ordered substituted therefor on file.

Senate Bill No. 102—An Act empowering Boards of Supervisors to construct, reconstruct, and change the location of, and enter into contracts concerning bridge or bridges across navigable streams or waterways, in this State.

During the second reading of bill, the following amendment was offered by Senator Taylor:

Amend by inserting in Section 1, line 3, after the word "within," the words "or partly within."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senator Braunhart asked for and was granted unanimous consent to withdraw Senate Bill No. 203—An Act to amend Section 377 of the Code of Civil Procedure, relating to actions for damages, and to substitute therefor on file Senate Bill No. 88—An Act for the suppression of bucket-shops and gambling in stocks, bonds, petroleum, cotton, grain, provisions, or other produce.

Senate Bill No. 203 withdrawn and ordered stricken from the file, and Senate Bill No. 88 substituted therefor on file.

Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as and numbered Section 2664, relating to highway taxes.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "Act" on line 16, page 1, printed bill, and inserting in lieu thereof the word "Chapter."

The question being on the adoption of the amendment.

The same was put.

ADJOURNMENT.

It appearing that no quorum was present and voting, the President pro tem., at nine o'clock and fifteen minutes P. M., declared the Senate adjourned until ten o'clock A. M. of Friday, February 17, 1899.

IN SENATE.

SENATE CHAMBER,
Friday, February 17, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Flint, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Stratton, and Taylor—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, February 16, 1899, was read.

The Journal of Tuesday, February 14, 1899, was approved.

SPECIAL ORDERS.

The reading of the Journal having been dispensed with, the special orders heretofore set for consideration at this hour were taken up, as follows:

MOTION TO RECONSIDER.

Senator Cutter, in compliance with his notice given on a previous day, moved that the vote whereby Assembly Bill No. 145—An Act to amend Section 3460 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the landowners before the Commissioner of Assessment, in relation to such assessment—was finally passed, be reconsidered.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Ashe, Langford, Luchsinger, Stratton, and Taylor—5.

NOES—Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Doty, Flint, Hoey, Jones, Leavitt, Morehouse, Rowell, Shortridge, Simpson, and Trout—17.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE RECALLED.

On request of the chairman, and by unanimous vote, the report of the Committee on Elections, made to the Senate *in re* Denberry-Ashe contested election case, was recalled from Committee on Attachés, Contingent Expenses, and Mileage, and ordered returned as a whole to the Committee on Elections.

MOTION.

Senator Braunhart moved that Substitute for Senate Bill No. 149—An Act to amend Section 8 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and providing for an additional

department, to be known as Department No. 4, and the appointment of a suitable person to act as Judge of said Court, approved February 23, 1893, relative to stenographers—be printed.

So ordered.

RESOLUTION.

The following resolution was offered by Senator Boyce:

Resolved, That the pay of Assistant Minute Clerk be allowed C. S. MacMullan from February 4 to February 18, 1899, for services rendered at Senate desk, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Committee Substitute for Senate Bill No. 137—An Act amending an Act entitled "An Act to prevent persons from unlawfully using and wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887.

Also: Committee Substitute for Senate Bill No. 267—An Act to amend Section 3491 of the Political Code of the State of California.

Also: Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Also: Senate Constitutional Amendment No. 9—Proposed amendment to Article VI of the Constitution, relative to the compensation of Supreme and Superior Court Judges.

Also: Report the following bill correctly enrolled: Senate Bill No. 83—An Act to amend Section 1188 of the Political Code, relating to the method by which candidates for public office may be nominated—and presented the same to the Governor on this 16th day of February, 1899, at nine o'clock and fifteen minutes P. M.

JONES, Chairman.

Committee Substitutes for Senate Bills Nos. 137 and 267 ordered on file for third reading.

Senate Bill No. 476 ordered on file for second reading.

Senate Constitutional Amendment No. 9 ordered on file

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 482—An Act authorizing the Secretary of State to bore a well, furnish and set stand pipes, tanks, filter, and lay pipes in the Capitol grounds.

Also: Senate Bill No. 620—An Act making an appropriation to pay the claim of John W. Mitchell, for legal services.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 417—An Act to pay the claim of Gaston Goldsmith against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

DICKINSON, Chairman.

Senate Bills Nos. 482 and 620 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Bettman asked for and was granted unanimous consent to withdraw Senate Bill No. 417.

Senate Bill No. 417 withdrawn and ordered stricken from the file.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendment to Assembly Bill No. 366—An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Messrs. Hoey, Works, and Johnson as a committee of conference on behalf of the Assembly to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question was put, "Shall the Senate recede from the Senate amendments to Assembly Bill No. 366?"

The roll was called, and the Senate refused to recede from its amendments by the following vote.

AYES—Senator Ashe—1.

NOES—Senators Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Rowell, Smith, Stratton, Taylor, and Trout—23.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In compliance with the request of the Assembly in the foregoing message, the President pro tem. appointed Senators Taylor, Leavitt, and Chapman a committee of conference on Assembly Bill No. 366, to confer with the committee already appointed by the Assembly.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 117—An Act to amend Section 456 of the Civil Code.

Also: Passed Assembly Bill No. 465—An Act to amend Section 1702 of the Code of Civil Procedure of the State of California, relating to the appointment of trustees.

Also: Assembly Bill No. 245—An Act to amend Sections 354, 1489, and 1492 of the Political Code, relating to State Normal Schools.

Also: Assembly Bill No. 104—An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat and power, and other franchises by the municipal authorities of incorporated cities, cities and counties, and towns within the State of California, and repealing conflicting Acts.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 465 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 245 read first time, and referred to Committee on Education and Public Morals.

Assembly Bill No. 104 read first time, and referred to Committee on Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 30—An Act concerning elections, and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections.

Also: Senate Bill No. 95—An Act to amend Section 1186 of the Political Code, relating to conventions.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 30?"

Amend by striking out the word "fifth," in line 20, Section 1371, page 7, printed bill, as engrossed, and inserting in lieu thereof the word "sixth."

Also: Amend by inserting in line 15, after the words "his choice," Section 1374, page 9 of the engrossed printed bill, the words: "*provided*, that on any such slip there may be printed a designation of the convention to which delegates are to be elected."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Davis, Doty, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Morehouse, Nutt, Rowell, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Senate Bill No. 30 ordered to reëngrossment and enrollment.

The question being, "Shall the Senate concur in the following amendment to Senate Bill No. 95?"

Amend by striking out in line 8 of engrossed bill the words "elected according to law," and inserting in lieu thereof the words "elected by ballot at a primary election."

The roll was called, and the Assembly amendment concurred in by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Taylor, and Trout—27.

NOES—None.

Senate Bill No. 95 ordered to reëngrossment and enrollment.

The Secretary was directed to prepare and transmit to the Assembly a message advising that body of the action of the Senate on the Assembly amendments to Senate Bills Nos. 30 and 95.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 441—An Act to amend Section 7 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Adopted Assembly Constitutional Amendment No. 23—Proposed amendment to Article IX of the Constitution, relative to the confirming of the founding of the Leland Stanford Jr. University.

Also: Passed Senate Bill No. 379—An Act to promote the purity of primary elections, and to punish offenses thereat.

Also: Assembly Bill No. 438—An Act authorizing women to vote at school elections, and defining the qualifications of such voters.

Also: Assembly Bill No. 348—An Act to amend Sections 1 and 2 of an Act entitled "An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law," approved March 2, 1897.

Also: Assembly Bill No. 326—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries at Sisson and Price Creek.

Also: Assembly Bill No. 662—An Act making an appropriation to pay the salaries of the employes of the Commissioner of Public Works for the forty-eighth fiscal year.

C. W. KYLE, Chief Clerk of the Assembly.

By H. S. WANZER, Assistant Clerk.

Assembly Bill No. 441 read first time, and referred to Committee on Municipal Corporations.

Assembly Constitutional Amendment No. 23 referred to Committee on Judiciary.

Assembly Bill No. 438 read first time, and referred to Committee on Elections.

Assembly Bill No. 348 read first time, and referred to Committee on Elections.

Assembly Bill No. 326 read first time, and referred to Committee on Forestry, Fish, and Game.

Assembly Bill No. 662 read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

Senate Bill No. 379 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Dickinson: Senate Bill No. 670—An Act to add a new section to the Political Code, to be known and numbered as Section 540, creating the State Printing Fund, authorizing its use, and prescribing the duties of the Superintendent of State Printing, Controller, and Treasurer in connection therewith—all relating to State printing.

Read first time, and referred to Committee on Public Printing and State Library.

By Senator Bulla: Senate Bill No. 671—An Act to amend Section 1884 of the Code of Civil Procedure, relating to interpreters.

Read first time, and referred to Committee on Judiciary.

By Senator Morehouse: Senate Bill No. 672—An Act to amend subdivision 2 of Section 1, Article III, of an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of \$65,000 for the support of said Home," approved March 17, 1887.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Leavitt: Senate Bill No. 673—An Act to appropriate money to pay the Oakland Enquirer Publishing Company for printing 1,000 copies of reports of the California Voting Machine Commission, which work was performed under contract with C. B. Morgan, secretary of said commission, under authority of the California Voting Commission.

Read first time, and referred to Committee on Finance and Claims.

By Senator Flint: Senate Bill No. 674—An Act making an appropriation to pay the claim of the Hollister Bee, for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

By Senator Stratton: Senate Bill No. 675—An Act creating a commission to make an investigation and report upon the subject of "Reform in State Taxation," and making an appropriation therefor.

Read first time, and referred to Committee on Judiciary.

By Senator Braunhart: Senate Bill No 676—An Act to regulate the practice of electro-therapeutics in the State of California.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Wolfe: Senate Bill No. 677—An Act placing all companies selling certificates, bonds, or debentures, with coupons attached thereto, on the partial payment or installment plan, doing business in this State under the supervision and control of the State Board of Bank Commissioners.

Read first time, and referred to Committee on Banks and Banking.

MOTION.

Senator Bulla moved that the Senate urgency file be now considered.
So ordered.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 444—An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897.

Passed on file until Monday, February 20, 1899, and to retain place on special urgency file.

At eleven o'clock and five minutes A. M., the Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

On motion of Senator Braunhart, Senate Bill No. 419 was considered.

During the second reading of bill, the following amendment was offered by Senator Ashe:

Amend by striking out of Section 1 all after the word "value," in line 10, down to and including the word "result," on line 26.

Amendment lost.

At eleven o'clock and thirty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The following amendment was offered by Senator Bulla:

Amend by inserting in Section 1, line 7, the word "hokey-pokey" after the word "twenty-one."

Amendment lost.

The following amendment was offered by Senator Rowell:

Amend Section 1, page 2, by striking out all of the section after the word "misdemeanor," in line 32.

Amendment lost.

The following amendment was offered by Senator Stratton:

Amend Section 1, line 37, page 2 of the printed bill, by inserting after the words "such racetrack," the following: "provided, that the provisions of this Act shall not apply to any Fabiola day, given by any racetrack in Oakland or elsewhere in this State."

Amendment lost.

The following amendment was offered by Senator Curtin:

Amend by striking out the word "thirty," in line 36, and insert "sixty."

The following amendment to the amendment was offered by Senator Braunhart:

Amend the amendment by striking out the word "sixty," and inserting in lieu thereof the words "forty-five."

Amendment to the amendment lost.

The question being on the adoption of the amendment by Senator Curtin.

The ayes and noes were demanded by Senators Curtin, Ashe, and Braunhart.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Curtin, Dickinson, Doty, La Rue, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Sims, Stratton, and Trout—15.

NOES—Senators Bettman, Bulla, Burnett, Chapman, Cutter, Feeney, Hall, Hoey, Jones, Langford, Leavitt, Nutt, Pace, Shortridge, Simpson, Taylor, and Wolfe—17.

RECESS.

During the discussion on Senate Bill No. 419, at eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, February 17, 1899.

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radeliff, Rau, Raw, Rickard, Robinson, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—76.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Thursday, February 16, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, February 16, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Gillette and Taylor—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Langford, La Rue, Pace, Prisk, and Sims—10.
For William T. Jeter—Senator Hall—1.

Whole number of votes cast by Senators	36
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
William T. Jeter received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knowland, and Lardner—5.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—8.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—18.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Mr. Brooke—1.
For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Stewart, E. D. Sullivan, Wardell, and White—17.
For John Rosenfeld—Mr. Crowley—1.
For James D. Phelan—Mr. Burnett—1.

Whole number of votes cast by Assemblymen.....	74
W. H. L. Barnes received.....	5 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	8 votes.
D. M. Burns received.....	18 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	20 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	17 vote.
John Rosenfeld received.....	1 vote.
James D. Phelan received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	110
Necessary to a choice.....	56
W. H. L. Barnes received.....	9 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	10 votes.
D. M. Burns received.....	26 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	27 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	27 vote.
William T. Jeter received.....	1 vote.
James D. Phelan received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Curtin, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Saturday, February 18, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names.

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Flint, Hall, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Smith, Stratton, Taylor, and Trout—28.

Quorum present.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Flint, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—31.

Quorum present.

LEAVE OF ABSENCE.

Senator Currier was granted a leave of absence until Monday, February 20, 1899, on motion of Senator Bulla.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments, and to include propositions.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 166 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—25.

NOES—Senator Prisk—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 53—An Act to provide for the reorganization of municipal corporations, and for determining the population thereof.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 53 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—30.

NOES—Senators Taylor and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

The bill having been read third time on a previous day.

Senator Morehouse moved that Senator Taylor be appointed a special committee of one to amend the bill as follows:

Amend by adding in line 1, page 3, the word and figure "Sec. 5."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts

adjacent to municipal corporations, with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 136—An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 136 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—28.

NOES—Senators Gillette, La Rue, and Rowell—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 52—An Act to reduce the number of Judges of the Superior Court of San Bernardino County to one.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 52 refused passage by the following vote:

AYES—Senator Boyce—1.

NOES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Cutter gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 136 was this day finally passed.

Assembly Bill No. 61—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1888, by adding thereto a new section, to be known as Section 6½, relating to securing claims for labor done and material furnished for improvements under said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Feeney, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 97—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 97 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Feeney, Flint, Gillette, Hall, Hoey, Jones, Luchsinger, Maggard, Prisk, Shortridge, Simpson, Taylor, Trout, and Wolfe—21.

NOES—Senators La Rue, Nutt, and Pace—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 98—An Act to amend Section 1185 of the Code of Civil Procedure, relating to Mechanics and other liens upon real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 98 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Maggard, Morehouse, Pace, Prisk, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—24.

NOES—Senators Dickinson, La Rue, Luchsinger, Nutt, and Rowell—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 113—An Act to amend Section 1050 of the Code of Civil Procedure of the State of California.

Read third time, and, on motion of Senator Bulla, passed on file, but to retain place on file.

Assembly Bill No. 163—An Act to amend Section 1033 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service and affidavit of bill of costs, and motion to retax same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 163 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Curtin, Davis, Dickinson, Doty, Feeney, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Sims, Taylor, Trout, and Wolfe—24.

NOES—Senator Bulla—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 207—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 207 finally passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Dickinson,

Doty, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Taylor, and Trout—25.
Noss—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 400—An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures.

On motion of Senator Boyce, the consideration of the above bill was postponed until Monday, but to retain place on file.

At three o'clock and thirty minutes P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

TIME EXTENDED FOR CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Senator Bulla moved that the time for the consideration of the special file of Assembly bills be extended for one half hour.

So ordered.

Assembly Bill No. 32—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

During the second reading of bill, the following amendments were offered by the committee:

Amend by striking out the word "bicycle," on line 9, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the words "calf, jack, or jenny," on line 10, page 1, printed bill, and inserting the word "or" between the words "bull" and "mule," on line 10, Section 1, page 1, printed bill.

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 177—An Act authorizing and directing District Attorneys to bring suits to abate public nuisances.

During the second reading of bill, the following amendments were offered by Senator Gillette:

Amend by striking out all of Section 1 and inserting the following: "The District Attorney of any county of this State in which a public nuisance may now or hereafter shall exist may, and when directed by the Board of Supervisors of the county shall, bring a civil action in the name of the 'People of the State' to abate said nuisance."

Amendment adopted.

Also: Amend by striking out all of Section 2 and renumbering Sections 3 and 4 to read "Section 2" and "Section 3," respectively.

Amendment adopted.

Bill read second time, and ordered to print.

TIME FOR CONSIDERING ASSEMBLY BILLS EXPIRED.

The hour of four o'clock P. M. having arrived, the acting President declared that the time for the consideration of Assembly bills had expired.

BILL RESTORED TO FILE.

On motion of Senator Braunhart, Senate Bill No. 419—An Act to

amend Sections 330, 331, and 337 of the Penal Code—with proposed amendment, was ordered to its place on special urgency file for further consideration.

INTRODUCTION AND FIRST READING OF BILLS, ETC. — (OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Wolfe: Senate Bill No. 678—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 26, 1895.

Read first time, and referred to Committee on Banks and Banking.

Also: Senate Bill No. 679—An Act to appropriate the sum of \$2,100 to pay the claim of James A. Devoto, assignee of E. Patrizi and G. Almagia, owners and publishers of *L'Italia*, for money due and owing the said James A. Devoto, assignee as aforesaid, from the State of California, for publishing constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Morehouse: Senate Bill No. 680—An Act to amend an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, granting additional powers to the founders and trustees of such institutions, and to add a new section thereto.

Read first time, and referred to Committee on Judiciary.

By Senator Pace: Senate Bill No. 681—An Act making an appropriation to pay the claim of the Fresno Evening Democrat, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 682—An Act making an appropriation to pay the claim of the Riverside Daily Enterprise, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Maggard: Senate Bill No. 683—An Act to amend Section 634 of the Penal Code.

Read first time, and referred to Committee on Judiciary.

By Senator Luchsinger: Senate Bill No. 684—An Act making an appropriation to pay the claim of Raleigh Barcar, publisher of the Vacaville Reporter, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 685—An Act making an appropriation to pay the claim of George Roe, publisher of the Vallejo Times, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Shortridge: Senate Bill No. 686—An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

By Senator Gillette: Senate Bill No. 687—An Act to provide for the

payment of the claim of the Blue Lake Advocate, for the advertising of the constitutional amendments, and making an appropriation therefor.

Read first time, and referred to Committee on Finance and Claims.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MINES, DRAINAGE, AND DÉBRIS.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Débris, to whom was referred Senate Bill No. 521—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

DAVIS, Chairman.

Senate Bill No. 521 ordered on file for second reading.

ON FORESTRY, FISH, AND GAME.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your Committee on Forestry, Fish, and Game, to whom was referred Senate Bill No. 642—An Act to prevent the bounding, chasing, or hunting of deer with hounds in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 538—An Act for the protection and propagation of pheasants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

LUCHSINGER, Chairman.

Senate Bills Nos. 642 and 538 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

Senator Dickinson offered the following resolution, and moved its adoption:

Resolved, That three members of the Senate Finance and three members of the Public Buildings committees be and they are hereby granted leave of absence from noon to-morrow until eleven o'clock and thirty minutes A. M., on Monday, the 20th, to visit the State Hospital at Napa, and that they be allowed their actual expenses for the trip.

Resolution read.

The question being on the adoption of the resolution.

AYES AND NOES.

The ayes and noes were demanded by Senators Shortridge, Gillette, and Taylor.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Dickinson, Hall, Hoey, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, and Wolfe—18.

NOES—Senators Bulla, Burnett, Curtin, Cutter, Doty, Gillette, Jones, Leavitt, and Trout—9.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

MOTION.

Senator Dickinson moved that a new special urgency file be made up.

Senator Wolfe moved to amend the motion by adding thereto the words "and in making up such file, the Secretary call the roll in reverse order."

Amendment adopted.

Motion as amended carried.

Senator Braunhart moved that the new special urgency file be not made up until the present special urgency file has been considered and disposed of.

So ordered.

SPECIAL ORDER SET.

Senator Bulla moved that the consideration of the second reading of bills be made the special order for the hour of eight o'clock P. M. of this day.

Senator Stratton moved to amend the motion by making the third reading of bills the special order.

Amendment to motion lost.

The question recurring on the original motion.

The same was carried.

RECESS.

At four o'clock and twenty minutes P. M., on motion of Senator Morehouse, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Feehey, Flint, Gillette, Hall, Hoey, Jones, Laird, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—29.

REPORTS OF STANDING COMMITTEES — (OUT OF ORDER).

The following reports of standing committees were received and read:

ON FORESTRY, FISH, AND GAME.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your Committee on Forestry, Fish, and Game, to whom was referred Assembly Bill No. 326—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries in Sisson and Price Creek—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 610—An Act to appropriate the sum of \$17,000 for the purpose of establishing a water sprinkling and pumping plant in the Yosemite Valley.

Also: Senate Bill No. 611—An Act to appropriate the sum of \$13,000 for the purpose of establishing an electric plant in the Yosemite Valley.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended, and be referred to Committee on Finance and Claims.

LUCHSINGER, Chairman.

Assembly Bill No. 326 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 610 and 611 referred to Committee on Finance and Claims.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 615—An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Also: Assembly Bill No. 465—An Act to amend Section 1702 of the Code of Civil Procedure of the State of California, relating to the appointment of trustees.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 440—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 and

3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute do pass, and that it be immediately sent to the printer.

GILLETTE, Chairman.

Senate Bill No. 615 ordered on file for second reading.

Assembly Bill No. 465 ordered on special file of Assembly bills for second reading.

Senate Bill No. 440 ordered on file for second reading, and substitute therefor to print.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was introduced:

By Senator Curtin: Senate Concurrent Resolution No. 8—Relative to the adjournment of the Legislature on March 4, 1899.

Referred to Committee on Rules and Revision.

SUBSTITUTE ORDERED TO PRINT.

On motion of Senator Chapman, Committee Substitute for Senate Bill No. 183—An Act requiring the making and recording of maps of cities, towns, and additions to cities or towns, and subdivisions of lands into small lots or tracts for the purpose of sale, providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded, and providing for the recording of maps now on file in Recorder's office—was ordered printed.

SPECIAL ORDER.

The consideration of the second reading of bills having been set as a special order for this hour, the second-reading file was taken up, and the bills thereon considered in regular order, as follows:

SECOND READING OF BILLS.

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Passed on file.

Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay.

During the second reading of bill, the following amendment was offered by Senator Nutt:

Amend by striking out of Section 1, line 1, the words "and fifty."

Amendment adopted.

The following amendment was submitted by the committee:

Amend by adding after the word "harbor" in line 7, Section 2, page 1, printed bill, the following: "provided, however, that no part of the money so appropriated shall be

expended in payment of any indebtedness accrued or accruing before the passage of this Act."

Amendment adopted.

The following amendment was offered by Senator Nutt:

Amend by adding to Section 2, after the committee amendment to the said section, the following: "One half of the amount hereby appropriated shall be paid out of the funds of the fifty-first fiscal year, and one half out of the funds of the fifty-second fiscal year."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 88—An Act for the suppression of bucket-shops and gambling in stocks, bonds, petroleum, cotton, grain, provisions, or other produce.

Passed on file.

Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known and numbered Section 2664, relating to highway taxes.

Passed on file.

Senate Bill No. 374—An Act to amend Section 2653 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes.

Passed on file.

Senate Bill No. 192—An Act to amend Section 312 of the Civil Code, relative to the election of directors of corporations.

Passed on file.

Senate Bill No. 158—An Act relating to the sale of cigarettes, requiring all persons who sell cigarettes at retail to obtain a license and pay a license tax therefor, providing for the issuance of such license, and a penalty for violating the provisions of the Act.

Read second time, and ordered to engrossment.

Senate Bill No. 350—An Act prohibiting officers and employes of State institutions visiting or being at Sacramento during the session of the Legislature, unless required by the Governor, by the Legislature, or either house thereof, or by a committee of the Legislature, and for the betterment of the public service.

During the second reading of bill, the following amendments were submitted by the committee:

Amend title by striking out the words "or being at Sacramento," in line 2 of title, printed bill, and inserting in lieu thereof the following: "the Legislature."

Also: Strike out the word "the," and insert the word "any."

Also: Strike out the words "of the Legislature," and insert the word "thereof," so that said title will read as follows: "An Act prohibiting officers and employes of State institutions visiting the Legislature during any session thereof, unless required by the Governor, by the Legislature, or either house thereof, or by a committee of the Legislature, and for the betterment of the public service."

On motion of Senator Boyce, further consideration of the bill and amendments was temporarily postponed, in absence of the author, the adoption of the amendment pending.

Senate Bill No. 408—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read second time, and ordered to engrossment.

Senate Bill No. 40—An Act to create an Exempt Firemen's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen.

Passed on file.

Senate Bill No. 270—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

During the second reading of bill, the following amendments were offered by the committee:

Amend by adding after the word "assessment" the words "and the Recorder to cancel the erroneous certificate of purchase or deed so issued," on line 16, page 1, printed bill.

• Amendment adopted.

Also: Amend by inserting after the word "ment" the words "or of this State prior to the issuance of the certificate of purchase," on line 28, page 2, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "office" the words "or Register of the State Land Office," on line 37, page 2, printed bill.

Amendment adopted.

Also: Amend by inserting after the words "United States" the words "or no certificate of purchase had been issued by the State," on line 39, page 2, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 114—An Act entitled "An Act to amend Section 3009 of the Political Code, relating to the appointment of officers and employés by the San Francisco Board of Health."

Passed on file.

Senate Bill No. 242—An Act authorizing a party required to give a bond, or undertaking, to agree with his sureties for the deposit and withdrawal of any or all moneys, or assets, for which such sureties are, or may be, held responsible.

Passed on file.

Senate Bill No. 278—An Act to amend Sections 1797 and 1798 of the Code of Civil Procedure of the State of California, relating to guardians and wards.

Passed on file.

Senate Bill No. 303—An Act relating to the disposition of moneys belonging to deceased inmates of public institutions supported in whole or in part by State aid and under the control of boards appointed by the Governor.

Passed on file.

Senate Bill No. 336—An Act to amend Section 592 of the Penal Code of the State of California.

Read second time, and ordered to engrossment.

Senate Bill No. 337—An Act to add a new section to the Penal Code of the State of California, to be known as Section 593.

During the second reading of bill, the following committee substitute was submitted for adoption:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 337.

An Act to amend Section 591 of the Penal Code of the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five hundred and ninety-one of the Penal Code of the State of California is hereby amended to read as follows :

591. Every person who maliciously takes down, removes, injures, or obstructs, or in any manner interferes with any electrical transmission line, telegraph or telephone line, or any part of such line, or appurtenance or apparatus connected therewith, or severs any wire thereof, is guilty of a misdemeanor.

SEC. 2. This Act shall take effect and be in force immediately.

Substitute read and adopted.

Bill read second time, ordered to print and engrossment.

BILL RECALLED FOR AMENDMENT.

On motion of Senator Taylor, Senate Bill No. 434—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund—was recalled from engrossment for the purpose of amendment.

The following amendment was offered by Senator Taylor:

Amend so as to strike out of Section 1, the figures "1674, 1675, and 1677," and insert in lieu thereof "1678, 1679, 1680, and 1681."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 287—An Act to amend Section 501 of the Civil Code of the State of California, relating to street railroad cars.

Read second time, and ordered to engrossment.

Senate Bill No. 44—An Act entitled "An Act to amend an Act to prevent sheep and goats being herded or running at large in certain portions of Lake County."

Passed on file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Sims asked for and was granted unanimous consent to withdraw Senate Bill No. 288—An Act to amend Section 92 of the Civil Code, and to add a new section to said Code, to be known as Section 108 of the Civil Code, relating to ground of action for divorce—and substitute on file therefor Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

Senate Bill No. 288 withdrawn and ordered stricken from the file, and Senate Bill No. 210 substituted therefor.

Senate Bill No. 276—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests and devises, to provide for its collection and to direct disposition of the proceeds."

Read second time, and ordered to engrossment.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Morehouse asked for and was granted unanimous consent to withdraw Senate Bill No. 292—An Act to amend Section 61 of the Civil Code—and substitute on file therefor Senate Bill No. 382—An Act to amend Section 197 of the Penal Code.

Senate Bill No. 292 withdrawn and ordered stricken from the file, and Senate Bill No. 382 substituted therefor.

Senate Bill No. 28—An Act to amend Section 1290 and Section 1291 of the Political Code, relating to elections, and providing for declaring the result of the vote on proposed constitutional amendments.

Read second time, and ordered to engrossment.

Senate Bill No. 322—An Act authorizing women to vote at school elections, and defining the qualifications of such voters.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of line 3, Section 1, the word "eleven," and inserting in lieu thereof the word "two."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 238—An Act making an appropriation to pay the claim of I. H. Polk against the State of California.

During the second reading of bill, the following amendment was offered by Senator Cutter:

Amend by striking out of Section 1, line 2, page 1, printed bill, the word "immediately," and inserting in lieu thereof the words "on the first day of January, nineteen hundred."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase to the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita.

Passed on file.

Senate Bill No. 99—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to the estates of deceased persons.

Passed on file.

Senate Bill No. 113—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the estates of deceased persons.

Passed on file.

Senate Bill No. 116—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Passed on file.

Senate Bill No. 120—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Passed on file.

Senate Bill No. 124—An Act to amend Section 1379 of the Code of Civil Procedure, relating to administration of estates of deceased persons.

Passed on file.

Senate Bill No. 391—An Act to amend Section 1365 of the Code of Civil Procedure.

Passed on file.

Senate Bill No. 313—An Act to enable corporations owning property in foreign countries to dispose of the same.

During the second reading of bill, the following substitute was offered by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 313.

An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be known and numbered as Section 364 thereof, relating to corporations.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code of the State of California, to be known and numbered as section three hundred and sixty-four, to read as follows:

364. Any corporations of this State owning grants, concessions, franchises, and properties, or any part thereof, in any foreign country, may sell and convey the same to the government of such foreign country, or to any person or persons, or any corporation or corporations, or association or associations, created or existing under the laws of this State, or any other State, or the United States, or any foreign government; *provided, however,* that the powers hereby granted shall only be exercised by a majority of the entire Board of Directors of such corporation of this State, with the concurrence, in writing, of the holders of two thirds in amount of the capital stock thereof.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill ordered to print and engrossment.

* WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Cutter asked for and was granted unanimous consent to withdraw Senate Bill No. 233—An Act to amend Section 1050 of the Code of Civil Procedure of the State of California—and substitute on file therefor Senate Bill No. 125—An Act to increase the membership of the auditing board to the Commissioner of Public Works.

Senate Bill No. 233 withdrawn and ordered stricken from the file, and Senate Bill No. 125 substituted therefor.

Senate Bill No. 305—An Act to amend Sections 8 and 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Passed on file.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Cutter asked for and was granted unanimous consent to withdraw Senate Bill No. 112—An Act to amend Sections 6, 7 and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture, and to appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and an amendatory Act thereof, approved March 7, 1889—and substitute on file therefor Senate Bill No. 321—An Act to amend Sections 354, 1489, 1492, 1497, and 1501 of the Political Code, relating to State Normal Schools.

Senate Bill No. 112 withdrawn and ordered stricken from the file, and Senate Bill No. 321 substituted therefor.

Senator Cutter asked for and was granted unanimous consent to withdraw Senate Bill No. 107—An Act to prevent the shipment of infected fruits out of the State of California—and substitute on file therefor Senate Bill No. 572—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874, extending the time during which the Board of Directors may sit as a Board of Equalization.

Senate Bill No. 107 withdrawn and ordered stricken from the file, and Senate Bill No. 572 substituted therefor.

Senator Bulla asked for and was granted unanimous consent to withdraw Senate Bill No. 317—An Act to add a new section to the Penal Code, to be numbered Section 180, relating to bringing into any State prison or State reformatory, or within the grounds of such institution, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquors, of any kind whatever, or firearms, weapons, or explosives of any kind, for any inmate imprisoned therein, and providing a penalty therefor—and substitute on file therefor Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, and the Act amendatory thereof, approved April 1, 1897.

Senate Bill No. 317 withdrawn and ordered stricken from the file, and Senate Bill No. 427 substituted therefor.

SECOND-READING FILE—(RESUMED).

Senate Bill No. 104—An Act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments.

Passed on file.

Senate Bill No. 111—An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions.

Passed on file.

Senate Bill No. 269—An Act to amend Section 1350 of the Code of Civil Procedure of the State of California, relating to executors.

Passed on file.

Senate Bill No. 342—An Act to amend Section 1033 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service and affidavit of bill of costs, and motion to relax same.

Passed on file.

Senate Bill No. 386—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872, and of all Acts amendatory thereof and supplemental thereto, relating to undertakings in actions for libel.

Passed on file.

Senate Bill No. 147—An Act to amend Section 1970 of the Civil Code of the State of California, relating to obligations of employers.

Passed on file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Burnett asked for and was granted unanimous consent to withdraw Senate Bill No. 356—An Act to amend Section 1383 of the

Code of Civil Procedure of the State of California, relating to letters of administration—and substitute therefor on file Senate Bill No. 450—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Senate Bill No. 356 withdrawn and ordered stricken from the file, and Senate Bill No. 450 substituted therefor.

SECOND-READING FILE—(RESUMED).

Senate Bill No. 412—An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to appointment of special administrators of the estates of deceased persons.

Passed on file.

On motion of Senator Braunhart, the Senate proceeded to consider Senate Bill No. 88, the consideration of which was this day temporarily postponed.

Senate Bill No. 88—An Act for the suppression of bucket-shops and gambling in stocks, bonds, petroleum, cotton, grain, provisions, or other produce.

During the second reading of bill, Senator Braunhart offered the following substitute, and moved its adoption.

An Act for the suppression of bucket-shops and gambling in stocks, bonds, grain, provisions, or other produce.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any corporation, association, or partnership, or person, to keep, or cause to be kept, within this State, any bucket-shop, office, store, or other place wherein is conducted or permitted the pretended buying or selling of the shares of stock or bonds of any corporation, or the pretended buying or selling of grain, provisions, or other produce, either for present or future delivery, without any intention of receiving and paying for the property so bought or delivering the property so sold; or wherein is conducted or permitted the business of dealing in differences or the fluctuation in the market price of any such property or commodity without a bona fide purchase and sale thereof; and the keeping of all such places is hereby prohibited, and any person, whether acting individually or as a member, or as an officer, agent, or employé of any corporation, association, or co-partnership, who shall be guilty of violating this section, shall, upon conviction thereof, be fined in any sum not less than two hundred dollars, and not more than five hundred dollars, or shall be imprisoned in the county jail for a period of not more than six months, or shall be punished by both such fine and imprisonment; and any person or persons who shall be guilty of a second offense under this statute, in addition to the fine above prescribed, shall, upon conviction, be imprisoned in the county jail for the period of six months, and, if a corporation, shall be liable to forfeiture of its charter, and the continuance of such establishment after first conviction shall be deemed a second offense.

SEC. 2. It shall not be necessary, in order to commit the offense defined in section one of this Act, that both the buyer and the seller shall agree to do any of the acts therein prohibited, but said crime shall be complete against any corporation, association, co-partnership, or person thus pretending to sell, or thus pretending or offering to buy, whether their offer to sell or buy is accepted or not; and any corporation, association, co-partnership, or person who shall communicate, receive, exhibit, or display, in any manner, any such offer to so buy or sell, or any statements or quotations of the prices of any such property, with a view to any such transaction as aforesaid, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined and punished as provided in section one of this Act.

SEC. 3. Whoever knowingly permits any of the illegal acts aforesaid in any building, house, outhouse, booth, arbor, structure, or erection owned by him or of which he has the management, control, or possession, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars nor more than one thousand dollars; and any penalty so adjudged shall be a lien upon the premises on or in which such unlawful acts are carried on or permitted. It is the intention of this Act to prevent, punish, and prohibit, within this State, the business now engaged in and conducted in the places commonly known and designated as bucket-shops, and also to include the practice now commonly known as bucket-shopping by persons, corporations, associations, or co-partnership, who ostensibly carry on the business or occupation of commis-

sion merchants or brokers in grain, provisions, petroleum, stocks, and bonds, but nothing in this Act contained shall be construed to prohibit any bona fide purchase or sale for present or for future delivery. And it shall be the duty, under this Act, of all the Judges of the Superior Courts of this State to charge all regularly impaneled Grand Juries to make due investigation and report upon all violations of the provisions of this Act.

SEC. 4. This Act shall be in force from and after its passage.

Substitute read and adopted.

Bill ordered to print and engrossment.

RESOLUTION—(OUT OF ORDER).

Senator Smith offered the following resolution:

Resolved, That the Sergeant-at-Arms provide the Press Mailing Clerk with \$40 worth of postage stamps, the same being payable out of the fund for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for said sum of \$40, and the Treasurer is directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly engrossed Senate Bill No. 53—An Act to amend Sections 445, 1595, and 1855 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens.

JONES, Chairman.

Senate Bill No. 53 ordered on special urgency file.

ADJOURNMENT.

At nine o'clock and forty minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until ten o'clock A. M. of Saturday, February 18, 1899.

IN SENATE.

SENATE CHAMBER,

Saturday, February 18, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Friday, February 17, 1899, was read.

The Journal of Wednesday, February 15, 1899, was approved.

PETITION.

Senator Flint presented the following petition, which was read and ordered printed in the Journal:

WILDOMAR, February 13, 1899.

To the President of the Senate, Sacramento:

HONORABLE SIR: At a convention held in the town of Elsinore, Riverside County, February 9th and 10th, under the direction of Dr. H. H. George, Field Secretary for the National Reform Association, and representing very largely the Christian people of the valley, the following resolution was submitted and adopted by the people in convention assembled:

Resolved, That we demand the enactment of a Sabbath law by the State, protecting its citizens in their rights to one day in seven for rest and worship, and that we condemn the open and flagrant desecration of the Sabbath by National and State Governments.

Respectfully submitted.

JAMES STEWART, Elsinore,
GEORGE WILLIAMS, Elsinore,
J. A. HENDERSON, Elsinore,
J. M. WILKIN, Wildomar,
J. C. CLEMENTS, Wildomar,
Committee.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Also: Senate Bill No. 387—An Act to create and regulate in any city, or city and county, in this State, public warehouses.

Also: Senate Bill No. 436—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Have had the same under consideration, and respectfully report the same back without recommendation.

NUTT, Chairman.

Senate Bills Nos. 43, 387, and 436 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 618—An Act to amend Section 2065 of the Political Code of California, relating to the National Guard and United States Volunteers therefrom—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 587—An Act to amend Section 2065 of the Political Code of California, relating to the National Guard and United States Volunteers therefrom—have had the same under consideration, and respectfully report the same back, and recommend that the author, Senator Bulla, be requested to withdraw, as same is identical with Senate Bill No. 618, favorably reported.

LAIRD, Chairman.

Senate Bill No. 618 ordered on file for second reading.

Senator Bulla asked for and was granted unanimous consent to withdraw Senate Bill No. 587.

Senate Bill No. 587 withdrawn and ordered stricken from the file.

ON FORESTRY, FISH, AND GAME.

SENATE CHAMBER, SACRAMENTO, February 18, 1899.

MR. PRESIDENT: Your Committee on Forestry, Fish, and Game, to whom was referred Senate Bill No. 527—An Act to add a new section to the Penal Code of this State, relating to the preservation of game—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 544—An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor; and to prescribe the punishment for a violation of the game laws of the State"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to Committee on Finance and Claims.

LUCHSINGER, Chairman.

Senate Bill No. 527 ordered on file for second reading.

Senate Bill No. 544 referred to Committee on Finance and Claims.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 286—An Act authorizing cities and towns of the sixth class to obtain, by purchase, donation or devise, lands for cemetery purposes, and authorizing the Boards of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

Also: Passed Assembly Bill No. 393—An Act to secure to native sons and naturalized citizens of the United States the exclusive right to labor on public works in this State.

Also: Senate Bill No. 593—An Act to appropriate \$7,500 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State, for general distribution, parasitical and predaceous insects which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this State.

Also: Assembly Bill No. 351—An Act to amend Sections 8 and 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Also: Assembly Bill No. 395—An Act to amend Section 1261 of the Political Code.

Also: Assembly Bill No. 39—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the concrete guttering, culverting, and macadamizing of Waring Street, in front of the lands of the Institute for the Deaf, Dumb and Blind at Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 593 ordered to enrollment.

Assembly Bill No. 393 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 395 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 39 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 351 read first time, and, on motion of Senator La Rue, ordered on special file of Assembly bills, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 118—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a

penalty for violation of the provisions of the Act—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen White, Dunlap, and O'Brien as a committee of conference on behalf of the Assembly, to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

The question being, "Shall the Senate recede from its amendments to Assembly Bill No. 118?"

The roll was called, and the Senate refused to recede from its amendments by the following vote:

AYES—Senators Chapman, Curtin, Davis, Dickinson, Laird, La Rue, Maggard, Sims, Smith, and Trout—10.

NOES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Cutter, Doty, Feeney, Flint, Gillette, Hoey, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Simpson, Taylor, and Wolfe—20.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In compliance with the request of the Assembly in the foregoing message, the President pro tem. appointed Senators Taylor, Leavitt, and Prisk a committee of conference on Assembly Bill No. 118, to confer with the committee already appointed by the Assembly.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Trout: Senate Bill No. 688—An Act to appropriate the sum of \$2,500 to pay the claim of Mrs. Lucy Underwood McCann, for money due and owing the said Lucy Underwood McCann from the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Nutt: Senate Bill No. 689—An Act to establish uniform rates to be charged for telephone instruments and telephone service in this State, and declaring a penalty for the violation of the provisions thereof.

Read first time, and referred to Committee on Corporations.

By Senator Ashe: Senate Bill No. 690—An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes, in addition to land acquired or buildings erected and constructed, or in process of erection and construction, under and by virtue of the provisions of Chapter CXCVIII of the laws of 1895, approved March 27, 1895.

Read first time, and referred to Committee on Municipal Corporations.

By Senator Maggard: Senate Bill No. 691—An Act to provide for the appointment of a State Quarantine Officer by the State Board of Health, and to abolish the office of Quarantine Officer to the Board of Health for the City and County of San Francisco.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Trout: Senate Bill No. 692—An Act making an appropriation to pay the claim of the Redwood City Democrat, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Doty: Senate Bill No. 693—An Act to amend an Act

entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891, by defining who and what are practicing pharmacists.

Read first time, and referred to Committee on Hospitals, Health, and Quarantine.

By Senator Luchsinger: Senate Bill No. 694—An Act making an appropriation to pay the claim of W. L. Dunn, publisher of the River News, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Pace: Senate Bill No. 695—An Act to amend Section 5 of "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.

Read first time, and referred to Committee on Public and Swamp and Overflowed Lands.

By Senator Boyce: Senate Bill No. 696—An Act to amend Sections 1637 and 1638 of the Political Code, relating to the public schools.

Read first time, and referred to Committee on Education and Public Morals.

Also: Senate Bill No. 697—An Act repealing an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'the Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 698—An Act making an appropriation to pay the claim of the Daily Independent, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

MOTION TO RECONSIDER.

Senator Cutter, in compliance with his notice given on yesterday, moved that the vote whereby Assembly Bill No. 136—An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor—was finally passed, be reconsidered.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Cutter, Davis, Gillette, Hall, Jones, Laird, Langford, La Rue, Rowell, Smith, and Trout—11.

NOES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Dickinson, Doty, Feeney, Flint, Hoey, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Taylor, and Wolfe—22.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Bulla moved that the special urgency file be now considered.
So ordered.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

Passed on file.

Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Action on bill postponed until Monday, February 20, 1899.

Senate Bill No. 283—An Act to appropriate money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 283 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Jones, Langford, La Rue, Leavitt, Maggard, Pace, Prisk, Rowell, Simpson, Smith, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 122—An Act to pay the claim of John P. Dunlap against the State of California, and making an appropriation therefor.

Passed on file.

Senate Bill No. 354—An Act to amend Section 1 of "An Act to authorize State Agricultural Societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied," approved February 25, 1897, and to add two new sections thereto.

During the second reading of bill, the following amendment was offered by Senator Gillette:

Amend by striking out of Section 1 all after the word "elsewhere," in line 126, down to and including the word "determine," in line 133 of said section.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Smith, Gillette, and Prisk.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Jones, Laird, Langford, Luchsinger, Maggard, Nutt, Prisk, Rowell, Simpson, Smith, Taylor, and Trout—18.

NOES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Curtin, Doty, Hall, Hoey, La Rue, Leavitt, Morehouse, Sims, and Wolfe—14.

Substitute read and adopted.

Read second time, ordered to print, engrossment, and to retain place on special urgency file.

Senate Bill No. 444—An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act

in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897.

Passed on file.

On motion of Senator Curtin, Senate Bill No. 313—An Act to enable corporations owning property in foreign countries to dispose of the same—was recalled from print and engrossment, for the purpose of amendment.

Senate Bill No. 326—An Act to amend the title to an Act entitled "An Act to provide for the payment of interest on the outstanding bonds of the State of California held in trust for the University Fund and the State School Fund; to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled 'An Act to appropriate money to reimburse the University of California for money heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds from January 1 to July 1, 1893," approved March 3, 1893; to amend Section 4 of the same Act, and to appropriate the sum of \$16,747 50, now in the University Fund and unavailable.

Passed on file.

Senate Bill No. 369—An Act to amend Section 1880 of the Political Code of the State of California, relating to the issue of bonds of school districts.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 369 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Taylor, and Wolfe—27.

NOES—Senator Chapman—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 461—An Act authorizing the Governor and the Attorney-General to purchase for the State of California certain lands in Humboldt Bay, and making an appropriation therefor.

Read second time, and considered engrossed.

At eleven o'clock and fifty minutes A. M., Hon. R. N. Bulla, State Senator from the Thirty-seventh Senatorial District, in the chair.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 461 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Ashe arose to a question of personal privilege, and stated that a wrong interpretation of the word "cinch," used by him on yesterday in the debate over what is known as the "Racetrack bill," was given it by a San Francisco newspaper. In the use of the word he intended no reflection upon the author of the bill, as the newspaper article would imply, but on the contrary he meant it to be taken in the complimentary sense.

Senate Bill No. 332—An Act to regulate the transportation of perishable fruit, goods, or merchandise by express or transfer companies.

During the second reading of bill, the following amendment was offered by Senator Hall:

Amend by striking out of Section 1, in line 1, the word "person."

Amendment lost.

Section 1 of the bill read second time.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., the President pro tem. (having resumed the chair) announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 18, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—35.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Atherton, Barry, Beecher, Belshaw, Blood, Brooke, Brown, Burnett, Caminetti, Chynoweth, Clough, Cobb, Conrey, Cosper, Crowder, Dale, De Lancia, Dibble, Dunlap, Fairweather, Feliz, Greenwell, Griffin, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Le Baron, Lardner, Mack, McDonald of Alameda, McDonald of Tuolumne, McKeen, Melick, Merrill, Muentner, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Eugene Sullivan, Valentine, Wade, Wardell, Works, Wright, and Mr. Speaker—52.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Friday, February 17, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, February 17, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, and Morehouse—3.
For R. N. Bulla—Senators Gillette and Taylor—2.
For D. M. Burns—Senators Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Nutt, Smith, and Trout—6.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Langford, La Rue, Pace, Prisk, and Sims—10.
For William T. Jeter—Senator Hall—1.

Whole number of votes cast by Senators.....	83
W. H. L. Barnes received.....	3 votes.
R. N. Bulla received.....	2 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	6 votes.
Thomas R. Bard received.....	2 votes.
Irving M. Scott received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	10 votes.
William T. Jeter received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White:

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Lardner, and Muentner—5.
For M. M. Estee—Mr. Wade—1.

For *R. N. Bulla*—Messrs. Belshaw, Conrey, Cosper, Melick, Robinson, and Valentine—6.
 For *D. M. Burns*—Messrs. Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelsey, McKeen, Pierce, Rickard, Eugene Sullivan, and Wright—13.
 For *C. N. Felton*—Mr. Brown—1.
 For *U. S. Grant, Jr.*—Messrs. Blood, Chynoweth, Crowder, Dale, De Lancie, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Radcliff, Raub, Raw, and Works—14.
 For *Irving M. Scott*—Mr. Dunlap—1.
 For *Marion De Vries*—Mr. Brooke—1.
 For *Stephen M. White*—Messrs. Caminetti, Fairweather, Feliz, Griffin, Mack, and Wardell—6.
 For *James D. Phelan*—Mr. Burnett—1.
 For *Thomas R. Bard*—Mr. Greenwell—1.

Whole number of votes cast by Assemblymen.....	50
W. H. L. Barnes received	5 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	6 votes.
D. M. Burns received	13 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	14 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	6 votes.
James D. Phelan received	1 vote.
Thomas R. Bard received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	83
Necessary to a choice	42
W. H. L. Barnes received	8 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	8 votes.
D. M. Burns received	20 votes.
C. N. Felton received	1 vote.
U. S. Grant, Jr., received	20 votes.
Thomas R. Bard received	3 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	16 votes.
William T. Jeter received	1 vote.
James D. Phelan received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and twenty-three minutes P. M., on motion of Senator Leavitt, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Monday, February 20, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-eight minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
 The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger,

Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—33.

Quorum present.

HOOR OF RECESS EXTENDED.

On motion of Senator Luchsinger, the hour of recess was extended until twelve o'clock and forty-five minutes P. M.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 17, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 24—An Act to amend Sections 2, 3, 4, 5, 8, 9, and 12, and to repeal Section 11 of an Act entitled "An Act to establish a standard of weights and measures," approved April 6, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee, and that it be re-referred to Committee on Finance and Claims.

NUTT, Chairman.

Senate Bill No. 24 referred to Committee on Finance and Claims.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 18, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 493—An Act to provide for sweeping, cleaning, and sprinkling streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TAYLOR, Chairman.

Senate Bill No. 493 ordered on file for second reading.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 18, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 389—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 28, 1895—have had the same under consideration, and respectfully report the same back without recommendation.

MOREHOUSE, Chairman.

Senate Bill No. 389 ordered on file for second reading.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 18, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Assembly Bill No. 138—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885, and to add two new sections thereto, all relating to the State Board of Dental Examiners, and regulating the practice of dentistry in this State.

Also: Senate Bill No. 416—An Act to amend Sections 5 and 6 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by the committee.

Also: Senate Bill No. 514—An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

ROWELL, Chairman.

Assembly Bill No. 138 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 416 and 514 ordered on file for second reading.

BILL RECALLED FROM COMMITTEE.

On motion of Senator Luchsinger, Assembly Bill No. 326—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries in Sisson and Price Creek—was recalled from Committee on Finance and Claims.

MOTION TO ADJOURN.

At twelve o'clock and forty-two minutes P. M., Senator Cutter moved that the Senate adjourn until eleven o'clock and thirty minutes A. M. of Monday, February 20, 1899.

AMENDMENT.

Senator Smith moved, as an amendment, that the Senate adjourn until ten o'clock A. M. of Monday, February 20, 1899.

Amendment lost.

ADJOURNMENT.

The question recurring on the original motion.

The same was put and carried, whereupon the President pro tem. declared the Senate adjourned until eleven o'clock and thirty minutes A. M. of Monday, February 20, 1899.

IN SENATE.

SENATE CHAMBER,
Monday, February 20, 1899. }

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Smith, Stratton, Trout, and Wolfe—28.

Quorum present.

PRAYER.

Prayer was rendered by Rev. B. W. Perry, Chaplain of the Assembly.

READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, February 18, 1899, was read.

The Journal of Thursday, February 16, 1899, was approved.

LEAVE OF ABSENCE.

Senator Currier was granted a leave of absence until Tuesday, February 21, 1899, on motion of Senator Bulla.

PETITION.

Senator Nutt presented the following petition, which was read and ordered printed in the Journal, down to and including the sixth name:

To the Honorable the Legislature of the State of California:

We, the undersigned, citizens and residents of the City of San Diego, in the State of California, earnestly request your honorable body to repeal the law making vaccination in the public schools of this State compulsory.

C. M. HANSEN.
EUGENE DAWRY.
W. W. STEWART.
C. H. RIPPEY.
E. W. HENDRICK.
GEO. FULLER.

And five hundred and eleven others.

RESOLUTIONS.

The following resolutions were offered:

By Senator Bulla:

Resolved, That the sum of \$26 08 be and the same is hereby appropriated out of the Contingent Fund of the Senate and payable to the Postal Telegraph Company, for telegram to Washington, D. C., as per bill attached hereto, as per order of the Senate. The Controller is authorized to draw his warrant in favor of the Postal Telegraph Company, and the Treasurer is directed to pay same.

Feb. 4, Telegram to Hon. G. C. Perkins and Hon. S. G. Hilborn, Washington, D. C...\$26 08

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

Resolved, That the sum of \$29 64 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to the Postal Telegraph Company, for telegram forwarded to Colonel James F. Smith, Manila, as per order of the Senate.

The Controller is authorized to draw his warrant in favor of the Postal Telegraph Company for the above-mentioned amount, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Dickinson:

Resolved, That the following named persons be and the same are hereby allowed the several amounts set opposite their names, for expenses incurred in connection with the Senate Committee on State Institutions, as provided for by resolution adopted at the thirty-second session of the Legislature.

The Controller is authorized to draw his warrant in favor of the herein named persons, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

John H. Dickinson, traveling expenses.....	\$132 60	
J. J. Boyce, traveling expenses.....	400 00	
E. W. Chapman, traveling expenses.....	72 75	
W. F. Prisk, traveling expenses.....	430 00	
C. M. Simpson, traveling expenses.....	155 00	
F. J. Brandon, traveling expenses.....	265 95	
		\$1,456 30
E. S. Van Court, stenographer.....	\$2,139 65	
E. S. Mott, stenographer.....	1,618 10	
A. L. Longley, stenographer.....	229 45	
A. C. Unsworth, stenographer.....	520 00	
		4,507 20

Miss L. Willis, typewriting.....	\$39 00	
Miss E. M. Gray, typewriting.....	30 00	
Miss P. I. Mizner, typewriting.....	195 00	
Miss J. Finlayson, typewriting.....	249 00	
John Sales, typewriting.....	186 00	
		\$699 00
H. H. Hendry, clerk.....		150 00
F. J. Brandon, services from November 1, 1897, to January 1, 1899, fourteen months, at \$150 per month.....		2,100 00
John H. Dickinson, paid H. S. Crocker & Co.....	\$18 05	
John H. Dickinson, paid Alexander & Co.....	30 00	
John H. Dickinson, paid postage.....	47 85	
John H. Dickinson, paid F. A. Taylor.....	26 35	
		122 25
James W. Reid, expert, as architect.....	\$1,980 00	
W. B. Faville, expert, as architect.....	1,990 00	
Alex. Wright, expert, as architect.....	500 00	
		4,460 00
Southern Pacific Railroad Company.....		1,100 00
Southern California Railroad Company.....		73 70
		\$14,668 45

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Substitute for Senate Bill No. 134—An Act adding four new sections to the Political Code of this State, to be numbered consecutively Sections 1678, 1679, 1680, and 1681, authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

Senate Bill No. 324—An Act appropriating \$5,000 to pay the claim of Addie McGinness.

Senate Bill No. 122—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

Senate Bill No. 78—An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow, to the injury of the land, and the duty of Boards of Supervisors in relation thereto.

Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Senate Bill No. 173—An Act amending Section 1042 of the Penal Code of the State of California, concerning the mode of trial in criminal cases.

Senate Bill No. 390—An Act to amend Section 2440 of the Political Code of the State of California, approved March 12, 1872, relating to the appointment of Pilot Commissioners for San Francisco, Mare Island, and Benicia.

Senate Bill No. 102—An Act empowering Boards of Supervisors to construct, reconstruct, and change the location of, and enter into contracts concerning bridge or bridges across navigable streams or waterways in this State.

Committee Substitute for Senate Bill No. 36—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1650, 1663, 1667, 1674, 1697, 1713, 1714, 1768, 1830, 1858, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay.

Committee Substitute for Senate Bill No. 88—An Act for the suppression of bucket-shops and gambling in stocks, bonds, grain, provisions, or other produce.

Senate Bill No. 158—An Act relating to the sale of cigarettes, requiring all persons who sell cigarettes at retail to obtain a license and pay a license tax therefor, providing for the issuance of such license, and a penalty for violating the provisions of the Act.

Senate Bill No. 408—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Senate Bill No. 270—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Senate Bill No. 336—An Act to amend Section 592 of the Penal Code of the State of California.

Committee Substitute for Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California.

Senate Bill No. 287—An Act to amend Section 501 of the Civil Code of the State of California, relating to street railroad cars.

Senate Bill No. 276—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of the proceeds."

Senate Bill No. 28—An Act to amend Section 1290 and Section 1291 of the Political Code, relating to elections, and providing for declaring the result of the vote on proposed constitutional amendments.

Senate Bill No. 322—An Act authorizing women to vote at school elections, and defining the qualifications of such voters.

Senate Bill No. 238—An Act making an appropriation to pay the claim of I. H. Polk against the State of California.

Senate Bill No. 354—An Act to amend Section 1 of "An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied, approved February 25, 1897." and to add two new sections thereto.

JONES, Chairman.

Substitute for Senate Bill No. 134, Senate Bills Nos. 324, 122, 78, 155, 173, 390, 102, Committee Substitute for Senate Bill No. 36, Senate Bill No. 47, Committee Substitute for Senate Bill No. 88, Senate Bills Nos. 158, 408, 270, 336, Committee Substitute for Senate Bill No. 337, Senate Bills Nos. 287, 276, 28, 322, 238, and 354 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 18, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 579—An Act to amend Section 225 of the Code of Civil Procedure of the State of California, relating to the summoning of grand and trial jurors for courts of record.

Also: Senate Bill No. 588—An Act to amend Section 647 of the Penal Code of California, relating to vagrants.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 563—An Act to amend Section 623 of the Penal Code, relative to injuring or destroying works of literature, art, mechanics, or objects of curiosity deposited in any public library, gallery, museum, collection, fair, or exhibition, and punishment therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 492—An Act to amend the Civil Code of California by adding two new sections thereto, numbered 3295 and 3296, relating to damages in action for libel.

Also: Senate Bill No. 531—An Act to amend Section 595 of the Code of Civil Procedure, relating to trials by jury.

Also: Senate Bill No. 460—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Also: Senate Bill No. 498—An Act to amend Sections 2094 and 2097 of Chapter III, Title VI, of the Code of Civil Procedure, and also to add a new section thereto, to be known as Section 2098.

Also: Senate Bill No. 543—An Act to amend Section 2587 of the Civil Code of the State of California, relative to the contents of an insurance policy.

Also: Senate Bill No. 549—An Act to amend Section 1313 of the Civil Code, relating to charitable bequests and devises.

Also: Senate Bill No. 550—An Act authorizing and directing refund to parties, their attorneys, their heirs and assigns, of unconsumed portions of money deposited as security for costs in actions and proceedings in the District Courts and Superior Courts of this State, under an Act approved March 5, 1870.

Also: Senate Bill No. 553—An Act to amend Section 365 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to corporations.

Also: Senate Bill No. 589—An Act to amend Section 667 of the Penal Code of the State of California, relating to second offenses after conviction of former offenses.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 502—An Act to create a Police Court in and for the City and County of San Francisco, State of California—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 395—An Act to amend Section 1261 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Elections.

Also: Senate Bill No. 490—An Act to amend Section 3805 of the Political Code, relating to the cancellation of certificates of sale of lands sold to the State for delinquent State and county taxes—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

Also: Senate Bill No. 580—An Act to amend Sections 1915, 1917, and 1920 of the Civil Code, relating to legal rates of interest—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same, because another bill similar to this one has already been reported on.

GILLETTE, Chairman.

Senate Bills Nos. 579, 588, 563, 492, 531, 460, 498, 543, 549, 550, 553, 589, and 502 ordered on file for second reading.

Assembly Bill No. 395 referred to Committee on Elections.

Senator Gillette asked for and was granted unanimous consent to withdraw Senate Bill No. 490—An Act to amend Section 3805 of the Political Code, relating to the cancellation of certificates of sale of lands sold to the State for delinquent State and county taxes.

Senate Bill No. 490 withdrawn and ordered stricken from the file.

Senator Morehouse asked for and was granted unanimous consent to withdraw Senate Bill No. 580—An Act to amend Sections 1915, 1917, and 1920 of the Civil Code, relating to legal rates of interest.

Senate Bill No. 580 withdrawn and ordered stricken from the file.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 326—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries at Sisson and Price Creek—return the same to the Secretary's desk, in compliance with the request of the Senate.

DICKINSON, Chairman.

Assembly Bill No. 326 ordered on special file of Assembly bills for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 375—An Act to amend Section 1231 of the Political Code.

Also: Assembly Bill No. 348—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law," approved March 2, 1897.

Also: Assembly Bill No. 438—An Act authorizing women to vote at school elections, and defining the qualifications of such voters.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STRATTON, Chairman.

Assembly Bills Nos. 375, 348, and 438 ordered on special file of Assembly bills for second reading.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision have had the matter of amendments to the same under consideration, and respectfully report back, and recommend the following changes:

That the Senate special urgency file be taken up each evening at eight o'clock for consideration, and that such consideration be had until the hour of adjournment. That the Senate third-reading file be at other times, not in conflict with any other rule, considered until finally disposed of. That, from time to time, as the consideration of the bills on the Senate urgency file shall have been practically completed, new files be made up according to the alphabetical roll call of the Senators elected and present.

Your committee further recommends as follows: That any matter disposed of upon the second reading of any bill shall not again be presented for the consideration of the Senate at the third reading of the same, without a suspension of the rules.

BETTMAN, Chairman.

SPECIAL ORDER SET.

On motion of Senator Stratton, consideration of the report of the Committee on Rules and Revision was made a special order for Tuesday, February 21, 1899, immediately after reading of the Journal.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 16th adopted Assembly Constitutional Amendment No. 7—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section to Article IX thereof, to be numbered with the next consecutive number of sections to said article, relating to exempting certain school properties from taxation.

Also: On February 17th, adopted Assembly Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to Article IX thereof, to be numbered with the next consecutive number of sections to said article, relating to exempting from taxation all property of "The California School of Mechanical Arts."

Also: On February 17th, adopted Assembly Concurrent Resolution No. 16—Relative to the consent of the Legislature to the absence of the Governor of the State, Henry T. Gage, from the State for a period not to exceed four months.

Also: Concurred in Senate amendments to Assembly Bill No. 166—An Act to amend Section 1 of an Act entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval," approved March 7, 1883, relating to the manner of publishing such proposed amendments, and to include propositions.

Also: Concurred in Senate amendments to Assembly Bill No. 98—An Act to amend Section 1185 of the Code of Civil Procedure, relating to mechanics' and other liens upon real property.

Also: Concurred in Senate amendments to Assembly Bill No. 136—An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Constitutional Amendment No. 7 referred to Committee on Judiciary.

Assembly Constitutional Amendment No. 14 referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 16 referred to Committee on Executive Communications and Nominations.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendment were introduced, and read first time:

By Senator Burnett: Senate Bill No. 699—An Act providing what imprint shall be placed on bills, placards, posters, pamphlets, and other printed matter having reference to an election or to any candidate, and providing a punishment for a violation thereof.

Read first time, and referred to Committee on Elections.

By Senator La Rue: Senate Bill No. 700—An Act to appropriate \$1,125 to pay the unpaid salary of the late Dennis Spencer, as attorney for the State Board of Health and the Board of Health of the City and

County of San Francisco, from July 15, 1895, until and including November 30, 1895.

Read first time, and referred to Committee on Finance and Claims.

By Senator Wolfe: Senate Bill No. 701—An Act to amend Section 165 of the Penal Code of this State.

Read first time, and referred to Committee on Judiciary.

By Senator Bulla (by request): Senate Bill No. 702—An Act to create a Board of Building and Loan Commissioners, to prescribe its duties and powers, and to repeal all conflicting Acts.

Read first time, and referred to Committee on*Judiciary.

By Senator Nutt: Senate Bill No. 703—An Act to amend Section 1670 of the Political Code.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Dickinson: Senate Bill No. 704—An Act authorizing the Governor to order the transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof to such funds.

Read first time, and referred to Committee on Finance and Claims.

By Senator Cutter: Senate Constitutional Amendment No. 20—Relative to amending Article IV of the Constitution, allowing the Legislature to enact local laws, or make exceptions to the operation of general laws, by a four-fifths vote.

Referred to Committee on Judiciary.

MOTIONS.

Senator Cutter moved that Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation—be taken up for the purpose of amendment.

So ordered.

Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Senator Cutter moved that Senator Gillette be appointed a special committee of one to amend the bill as follows:

Amend by striking out Section 3 and inserting in lieu thereof a section reading as follows:

SEC. 3. An Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March 24, 1893; an Act entitled "An Act to amend an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation,' approved March 24, 1893, relating to the office of Commissioner of Public Works," approved February 25, 1897, and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby expressly repealed.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation—with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 20, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—33.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Knights, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—72.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Saturday, February 18, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Saturday, February 18, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senator Gillette—1.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Brauhart, Chapman, Curtin, Doty, La Rue, Prisk, and Sims—8.
For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	32
W. H. L. Barnes received.....	4 votes.
R. N. Bulla received.....	1 vote.
D. M. Burns received.....	8 votes.
U. S. Grant, Jr., received.....	7 votes.
Thomas R. Bard received.....	2 votes.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	8 votes.
James D. Phelan received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Anderson, Atherton, Knowland, Lardner, and Muenter—5.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, Melick, Miller of Los Angeles, and Robinson—7.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—17.
For C. N. Felton—Mr. Brown—1.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, De Lancie, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—18.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Mr. Brooke—1.
For Stephen M. White—Messrs. Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—15.
For John Rosenfeld—Mr. Crowley—1.
For James D. Phelan—Messrs. Burnett and Hoey—2.
For Thomas R. Bard—Mr. Greenwell—1.

Whole number of votes cast by Assemblymen.....	70
W. H. L. Barnes received.....	5 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	7 votes.
D. M. Burns received.....	17 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	18 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.

Stephen M. White received.....	15 votes.
James D. Phelan received.....	2 votes.
Thomas R. Bard received.....	1 vote.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	102
Necessary to a choice.....	52
W. H. L. Barnes received.....	9 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	8 votes.
D. M. Burns received.....	25 votes.
C. N. Felton received.....	1 vote.
U. S. Grant, Jr., received.....	25 votes.
Thomas R. Bard received.....	3 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	23 votes.
James D. Phelan received.....	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

RESOLUTION.

Assemblyman Caminetti offered the following resolution:

WHEREAS, The present method of electing Senators of the United States has been and is productive of results inimical to the general welfare, and threatening the usefulness of a body representing the sovereignty of the several States of the Union; and

WHEREAS, The various States have repeatedly applied to Congress for the submission to the people thereof, in the manner prescribed by the Constitution of the United States, of an amendment to such Constitution, providing that Senators of the United States shall be elected by popular vote; and

WHEREAS, The House of Representatives of the United States has at different times answered the popular demand for the passage of the necessary legislation; and

WHEREAS, The Senate of the United States has as often failed to concur therein; and

WHEREAS, The people of the State of California have at an election, by direct vote on the question, declared almost unanimously in favor of the election of such Senators by the people; therefore, be it

Resolved by this Joint Assembly, That a committee of three members of the Senate and three members of the Assembly be and is hereby appointed to prepare a memorial addressed to the Legislatures of the several States, requesting application by each thereof, in the manner prescribed by Article V of the Constitution of the United States, petitioning Congress to call a convention for proposing amendments to the National Constitution on this and such other subjects as the public welfare may demand; and be it further

Resolved, That such committee be instructed to provide in its report a method for the transmission of such memorial to the Legislatures of the several States: and be it further

Resolved, That such committee shall submit such memorial to this convention, and to the Senate and Assembly of the State of California, within five days after its appointment.

Resolution read.

Assemblyman Caminetti moved its adoption.

POINT OF ORDER.

Assemblyman Dibble arose and made the following point of order: "That the Joint Assembly is in session for the express purpose of electing a Senator in Congress; that the consideration of the resolution is no part of the proceedings necessary to bring about, nor does it appertain to, such election, and its consideration, therefore, is out of order, as the Joint Assembly can transact no other business than that for which it was convened."

The President pro tem. of the Senate, then presiding, decided the

point of order well taken, and thereupon ruled further consideration of the resolution out of order.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and twenty-eight minutes P. M., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Tuesday, February 21, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Flint, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—27.

Quorum present.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—32.

Quorum present.

THIRD-READING FILE.

Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 246 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Flint, Hall, Hoey, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, and Stratton—23.

NOES—Senator Smith—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 113—An Act to amend Section 1050 of the Code of Civil Procedure of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 113 finally passed by the following vote:

AYES—Senators Ashe, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 400—An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures.

During the second reading of bill, the following amendment was offered by Senator Curtin:

Amend by striking out of Section 1 all after the figures "258," in line 4, up to and including the word "crime," in line 9, and inserting in lieu thereof the following: "It shall be unlawful to publish in any newspaper, handbill, poster, book, or serial publication, or supplement thereto, the portrait of any living person, a resident of California, other than that of a person holding a public office in this State, without the written consent of such person first had and obtained; *provided*, that it shall be lawful to publish the portrait of a person convicted of a crime. It shall likewise be unlawful to publish in any newspaper, handbill, poster, book, or serial publication, or supplement thereto, any caricature of any person residing in this State, which caricatures will in any manner reflect upon the honor, integrity, manhood, virtue, reputation, or business or political motives of the person so caricatured, or which tends to expose the individual so caricatured to public hatred or contempt."

Senator Leavitt moved to amend the amendment as follows:

Amend by inserting the word "ridicule" between the words "hatred" and "or."

At three o'clock and twenty-nine minutes P. M., on motion of Senator Laird, the time for the consideration of the special file of Assembly bills was extended until Assembly Bill No. 400 was disposed of.

At three o'clock and thirty-two minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-eighth Senatorial District, in the chair.

At three o'clock and forty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, resumed the chair.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Stratton, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted a resolution respectfully asking that Senate Bill No. 30—An Act adding fifteen new sections to the Political Code, to be numbered, consecutively, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections—be returned from the Senate to the Assembly for correction.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

BILL RECALLED FROM ENROLLMENT.

On motion of Senator Stratton, Senate Bill No. 30 was recalled from enrollment.

RECONSIDERATION OF VOTE.

Senator Stratton moved that the vote whereby the Senate concurred in the Assembly amendment to Senate Bill No. 30—An Act concerning elections, and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections—be reconsidered.

The roll was called, and the Senate reconsidered by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Dickinson, Doty, Feeney, Flint, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Simpson, Stratton, Trout, and Wolfe—22.

NOES—None.

On motion of Senator Stratton, Senate Bill No. 30 was ordered immediately transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills and constitutional amendment were introduced, and read first time:

By Senator Wolfe (by request): Senate Bill No. 705—An Act making an appropriation to pay the claim of Le Franco-Californien, for advertising the constitutional amendments for the year 1894.

Read first time, and referred to Committee on Finance and Claims.

Also (by request): Senate Bill No. 706—An Act making an appropriation to pay the claim of La Voce del Popolo, for advertising the constitutional amendments for the year 1894.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 707—An Act making an appropriation to pay the claim of Le Franco-Californien, for advertising the constitutional amendments for the year 1898.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 708—An Act making an appropriation to pay the claim of James G. Saxton against the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Ashe: Senate Bill No. 709—An Act to amend Section 562 of the Civil Code, relating to homestead corporations.

Read first time, and referred to Committee on Judiciary.

By Senator Dickinson: Senate Bill No. 710—An Act to pay the claim of Talbot H. Wallis against the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Simpson (by request): Senate Bill No. 711—An Act to prevent the sale of intoxicating liquors on the first day of the week, commonly called Sunday.

Read first time, and referred to Committee on Education and Public Morals.

By Senator Bulla: Senate Bill No. 712—An Act to appropriate the sum of \$1,150 50 to pay the claim of Bancroft, Whitney & Co., for money due and owing the said Bancroft, Whitney & Co. from the State of California.

Read first time, and referred to Committee on Finance and Claims.

By Senator Morehouse: Senate Bill No. 713—An Act to provide for certain improvements and repairs at the State Normal School at San José, and making an appropriation therefor.

Read first time, and referred to Committee on Public Buildings other than Prison Buildings.

By Senator Smith (by request): Senate Bill No. 714—An Act to enable all counties, incorporated towns or cities, or consolidated cities and counties of this State to use automatic voting or ballot machines at all elections therein.

Read first time, and referred to Committee on Elections.

Also: Senate Constitutional Amendment No. 21—Relative to amend-

ing Section 5 of Article XI of the Constitution of the State, relating to the compensation of county and township officers.

Read, and referred to Committee on Judiciary.

BILLS REFERRED.

On motion of Senator Doty, Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as and numbered Section 2664, relating to highway taxes—and Senate Bill No. 374—An Act to amend Section 2653 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes—were referred to the Committee on Judiciary.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted permission to withdraw Senate Bill No. 387—An Act to create and regulate in any city, or city and county in this State, public warehouses.

Senate Bill No. 387 withdrawn and ordered stricken from the file.

RECESS.

At four o'clock and fifty-five minutes P. M., on motion of Senator Dickinson, a recess was declared until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—36.

Quorum present.

On motion of Senator Doty, Assembly Bill No. 662—An Act making an appropriation to pay the salaries of the employes of the Commissioner of Public Works—was recalled from the Committee on Farming, Dairying, and Manufacturing Interests, and referred to the Committee on Finance and Claims.

SPECIAL ORDER.

The consideration of Assembly Bill No. 400—An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures—with the two pending amendments, offered at the afternoon session, heretofore set for a special order for this hour, was taken up and further considered.

AMENDMENTS.

By Senator Curtin:

Amend by striking out of Section 1 all after the figures "258" in line 4, up to and including the word "crime" in line 9, and inserting in lieu thereof the following: "It shall be unlawful to publish in any newspaper, handbill, poster, book, or serial publication, or supplement thereto the portrait of any living person a resident of California, other than that of a person holding a public office in this State, without the written consent of such person first had and obtained; *provided*, that it shall be lawful to publish the portrait of a person convicted of a crime. It shall likewise be unlawful to publish in any newspaper, handbill, poster, book, or serial publication, or supplement thereto,

any caricature of any person residing in this State, which caricature will in any manner reflect upon the honor, integrity, manhood, virtue, reputation, or business or political motives of the person so caricatured, or which tends to expose the individual so caricatured to public hatred or contempt."

By Senator Leavitt:

Amend amendment by inserting the word "ridicule" between the words "hatred" and "or."

The question being on the adoption of the amendment offered by Senator Leavitt to the amendment offered by Senator Curtin.

The same was put.

Amendment to amendment adopted.

The question then being on the adoption of the amendment as amended.

AYES AND NOES.

The ayes and noes were demanded by Senators Leavitt, Cutter, and Curtin.

The roll was called, and the amended amendment adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Feeney, Flint, Hall, Jones, Leavitt, Morehouse, Simpson, Taylor, Trout, and Wolfe—19.

NOES—Senators Braunhart, Davis, Doty, Dwyer, Gillette, Laird, La Rue, Luchsinger, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, and Stratton—15.

Bill read second time, ordered to print and engrossment.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, and read first time:

By Senator Ashe: Senate Bill No. 715—An Act to amend Section 474 of the Political Code of the State of California, relating to the duties of the Attorney-General to institute investigation for the discovery of real and personal property which may have or should escheat to the State; also, an Act to add an additional section to the Political Code of the State of California, to be designated as Section 474½.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 716—An Act to repeal Section 672 of the Civil Code of the State of California, relating to non-resident aliens.

Read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 717—An Act to amend Section 1404, and to repeal Sections 1405 and 1406 of the Civil Code of the State of California.

Read first time, and referred to Committee on Judiciary.

By Senator Doty: Senate Bill No. 718—An Act making an appropriation to pay the claim of the Colusa Sun Publishing Company, publishers of the Colusa Sun, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

By Senator Jones: Senate Bill No. 719—An Act to appropriate the sum of \$357 to pay the claim of the Santa Ana Standard, for money due and owing the said Santa Ana Standard from the State of California, for printing constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

ADJOURNMENT.

At ten o'clock P. M., on motion of Senator Bettman, the Senate was declared adjourned until ten o'clock A. M. of Tuesday, February 21, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 21, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolf—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Monday, February 20, 1899, was read.

The Journal of Friday, February 17, 1899, was approved.

MOTION—(OUT OF ORDER).

On motion of Senator Curtin, Committee Substitute for Senate Bill No. 313—An Act to enable corporations owning property in foreign countries to dispose of the same—recalled from engrossment on a previous day, was taken up for the purpose of amendment.

FURTHER CONSIDERATION OF BILL.

Committee Substitute for Senate Bill No. 313—An Act to enable corporations owning property in foreign countries to dispose of the same.

The following amendment was offered by Senator Curtin:

Amend by striking out the words "Code of Civil Procedure," in lines 8 and 9 of type-written bill, and inserting in lieu thereof the words "Civil Code."

Amendment adopted.

Bill ordered to print and engrossment.

SPECIAL ORDER.

The reading of the Journal having been dispensed with, the special order heretofore set for consideration at this hour was taken up, viz.:

REPORT OF COMMITTEE ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision have had the matter of amendments to the same under consideration, and respectfully report back, and recommend the following changes:

That the Senate special urgency file be taken up each evening at eight o'clock for consideration, and that such consideration be had until the hour of adjournment. That the Senate third-reading file be at other times, not in conflict with any other rule, considered until finally disposed of. That, from time to time, as the consideration of the bills on the Senate urgency file shall have been practically completed, new files be made up according to the alphabetical roll call of the Senators elected and present.

Your committee further recommends as follows: That any matter disposed of upon the second reading of any bill shall not again be presented for the consideration of the Senate at the third reading of the same, without suspension of the rules.

BETTMAN, Chairman.

Senator Stratton moved to amend the report of the Committee on Rules and Revision as follows:

Amend by inserting after the words "Senators elected and present" the following: "provided, that the present special urgency Senate file shall first be disposed of to the exclusion of other business not inconsistent with existing rules."

Amendment lost.

Senator Boyce moved that the report lie on the table.

So ordered.

PETITION.

Senator Flint presented the following petition, which was read, ordered printed in the Journal, and referred to Committee on Finance and Claims:

To the Senate and Assembly of the Legislature of California:

GENTLEMEN: We, your undersigned petitioners, would respectfully present your honorable body that in the southern portion of Monterey County, for several years past, all crops have been below the average. Five years ago on small farms there was a partial or absolute failure. These small farmers are those whom an influx of immigration has forced upon small or broken quarter sections. They raise chickens, turkeys, geese, hogs, sheep, goats, etc., some grain, hay, and garden produce. The protracted drought of last year caused an entire failure of all products of the soil. These poor men have sold poultry, hogs, sheep, goats, and, in many cases, their last cow, while hundreds more of cows and horses have starved to death. Thus, their resources are exhausted, family supplies are at an end, their little homes are mortgaged, their credit gone, while destitution and death stare them in the face unless relief is promptly afforded them. We find in this part of our county over 2,000 families, one half of whom will need aid. If, then, we allow four persons to a family, this makes 4,000 persons to be provided for until returns can be obtained from the soil. If the small sum of \$20 is allowed for each one, it makes the sum of \$80,000 needed to keep these people alive; while, if seed and feed are not furnished them, they will be no better off next year than this. Should it be possible, from any available funds, to make such an appropriation, these people will in a few years return the same to the State many fold. And your petitioners, as in duty bound, will ever pray.

J. F. BETTS, Sr.
ANDREW REID.
G. A. STANLEY.
SARAH GESSUP.
GEORGE W. PAUL.
And seventy-one others.

NOTICE.

Senator Stratton gave notice that he desired the return of Senate Bill No. 358 from the Committee on Finance and Claims, with or without any recommendation.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills: Senate Bill No. 95—An Act to amend Section 1186 of the Political Code, relating to conventions.

Senate Bill No. 379—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 64½, relating to elections, by providing for the punishment of offenses at primary elections.

Senate Bill No. 593—An Act to appropriate \$7,500 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State, for general distribution, parasitical and predaceous insects which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this State.

And report that the same have been correctly enrolled, and presented to the Governor on this 20th day of February, 1899, at three o'clock P. M.

JONES, Chairman.

ON PUBLIC PRINTING AND STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: Your Committee on Public Printing and State Library, to whom was referred Senate Bill No. 670—An Act to add a new section to the Political Code, to be known and numbered as Section 540, creating the State Printing Fund, authorizing its use, and prescribing the duties of the Superintendent of State Printing, Controller, and Treasurer in connection therewith, all relating to State printing—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TROUT, Chairman.

Senate Bill No. 670 ordered on file for second reading.

ON FORESTRY, FISH, AND GAME.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Forestry, Fish, and Game, to whom was referred Senate Bill No. 667—An Act to provide for the appointment of an unsalaried commission to investigate and report upon methods for the preservation of the forests of the State—have had the same under consideration, and respectfully report the same back without recommendation.

LUCHSINGER, Chairman.

Senate Bill No. 667 ordered on file for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 554—An Act to provide for the appointment of a Board of Colton Hall Property, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission—have had the same under consideration, and respectfully report the same back without recommendation.

DICKINSON, Chairman.

Senate Bills Nos. 554 and 358 ordered on file for second reading.

ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Public and Swamp and Overflowed Lands, to whom was referred Senate Bill No. 695—An Act to amend Section 5 of "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.

Also: Assembly Bill No. 373—An Act to amend Sections 3571 and 3572 of the Political Code, relating to public lands and funds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 662—An Act making an appropriation to pay the salaries of the employes of the Commissioner of Public Works—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance and Claims.

MAGGARD, Chairman.

Assembly Bill No. 373 ordered on special file of Assembly bills.

Senate Bill No. 695 ordered on file for second reading.

Assembly Bill No. 662 referred to Committee on Finance and Claims.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 564—An Act to provide for the inspection of

illuminating oils manufactured from petroleum or coal oils—have had the same under consideration, and respectfully report the same back without recommendation.

NUTT, Chairman.

Senate Bill No. 564 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the pay of Assistant Minute Clerk be allowed C. S. MacMullan from February 4 to February 18, 1899, for services rendered at Senate desk, the same payable out of the Contingent Fund of the Senate—have had the same under consideration, and respectfully report the same back, and recommend the adoption of the accompanying resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of C. S. MacMullan for \$84, and the Treasurer directed to pay the same, the same payable out of the Contingent Fund of the Senate.

FLINT, Chairman.

Resolution read.

The question being on the adoption of the report.

The roll was called, and the report and accompanying resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Langford, Leavitt, Maggard, Morehouse, Prisk, Shortridge, Simpson, Trout, and Wolfe—25.

NOES—Senators Nutt, Smith, and Stratton—3.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution, to wit:

Resolved, That the Sergeant-at-Arms provide the Press Mailing Clerk with \$40 worth of postage stamps, the same being payable out of the fund for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for said sum of \$40, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

RESOLUTION—(OUT OF ORDER).

By Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in the sum of \$267 25 in favor of the Sergeant-at-Arms of the Senate, in payment of sundry bills hereto attached, and the Treasurer is directed to pay the same—the same payable out of the Contingent Fund of the Senate.

ATTACHED BILLS.

Jan. 6, W. D. Stalher, sundries	\$15 00
30, John Breuner, sundries	38 00
Feb. 1, F. M. Jones, sundries	3 00
3, F. R. Pulford, sundries	6 85
6, John Breuner, sundries	26 00
7, The A. S. Hopkins Co., sundries	17 57
8, The A. S. Hopkins Co., sundries	6 13
9, Tom Scott, sundries	73 70
10, F. R. Pulford, sundries	15 30
10, F. R. Pulford, sundries	10 70
10, Wyckoff, Seamans & Benedict, rental three typewriters	18 00
11, Emil Steinmann, repairing wall clock	3 50
13, F. M. Jones, repairing Remington	1 50
15, Capital Artesian Water Co., water 13 days	26 00
15, Mrs. Magee, washing towels	6 00
	<hr/>
	\$267 25

The question being on the adoption of the two resolutions.

The roll was called, and the resolutions adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Langford, La Rue, Leavitt, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—29.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration the matter of amendment thereto, and respectfully recommend the adoption of the following:

"No Senator, other than the author of any bill, amendment, resolution, or motion under discussion, shall, unless accorded unanimous consent, be permitted to speak more than once upon any pending question, nor shall any speech exceed in length ten minutes; *provided*, that the author, as referred to, shall have the right to speak twenty minutes on both the opening and closing of the debate."

BETTMAN, Chairman.

Senator Dickinson moved that further consideration of the report be postponed until it shall have been printed in the Journal.

Motion lost.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Doty, Dwyer, Feeney, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—24.

NOES—Senators Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Flint, Gillette, Hoey, Langford, Rowell, Shortridge, and Smith—13.

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred Assembly Concurrent Resolution No. 16—Relative to consent of the Legislature to the absence of the Governor of the State, Hon. Henry T. Gage, from the State for a period not to exceed four months—beg leave to report that they have considered said resolution, and recommend that it be adopted.

BURNETT, Chairman.

Assembly Concurrent Resolution No. 16 ordered on file.

ON COMMERCE, HARBORS, AND RIVERS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Commerce, Harbors, and Rivers, to whom was referred Assembly Bill No. 13—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHORTRIDGE, Chairman.

Assembly Bill No. 13 ordered on special file of Assembly bills for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election case of Leon Dennery vs. R. Porter Ashe for the seat in the Senate from the Twenty-fourth Senatorial District of the State of California, beg leave to report as follows:

The bills for the contestee, as presented, amounted to \$3,495 30. Of this your committee allowed the following:

County Clerk's fees and verification	\$2 50
Printing answer and two copies	18 00
Fees to D. W. Long, shorthand reporter	491 40
Francis J. Heney, attorney	100 00
H. H. McPike, attorney	100 00
A. S. Newburgh, attorney	100 00

Serving subpoenas, thirty witnesses	\$30 00
Charles W. Frees, trip Tres Pinos to San Francisco	11 00
Sylvester Sullivan	50 00
H. H. McPike	82 00

The bills for the contestant amount to the sum of \$2,728 10. Of this your committee allowed the following:

Fees of County Clerk and Sheriff	\$11 50
Mrs. C. S. Whiteman, drawing complaint, stenographer, etc.	36 80
Justice fees, F. H. Kerrigan and G. C. Groezinger	25 00
Frank H. Powers, expenses	22 50
Eugene F. Bert, expenses	32 50
Ernest J. Mott, stenographer	444 60
Telegrams	2 10
Eugene F. Bert, attorney	150 00
Frank H. Powers, attorney	150 00
Fees, subpoenaing twenty-two witnesses, and mileage	33 00
Witness fees	50 00

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following named persons for the amounts set opposite their names, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same, viz.:

H. H. McPike	\$100 00
A. S. Newburgh	100 00
Francis J. Heney	100 00
D. W. Long	491 40
R. Porter Ashe	143 50
Sylvester Sullivan	50 00
Frank H. Powers	172 50
Eugene F. Bert	182 50
Frank H. Powers and E. F. Bert	96 70
F. H. Kerrigan and G. C. Groezinger	25 00
Mrs. C. S. Whiteman	36 80
Ernest J. Mott	444 60

And your committee further recommend that the report above set forth be referred to the Committee on Attachés, Contingent Expenses, and Mileage.

Also:

Resolved by the Senate, the Assembly concurring, That Joint Rule XXXIV be temporarily suspended, and that the attorneys' fees in the election contest of Leon Denny vs. R. Porter Ashe be allowed as follows:

Frank H. Powers, as attorney for the contestant	\$150 00
Eugene F. Bert, as attorney for the contestant	150 00
H. H. McPike, as attorney for the contestee	100 00
A. S. Newburgh, as attorney for the contestee	100 00
Francis J. Heney, as attorney for the contestee	100 00
The total amount of the expenses and bills presented by both the contestant and contestee amount to the sum of	6,223 40
Of which your committee allowed the sum of	1,942 90

STRATTON, Chairman.

Referred to Committee on Rules and Revision.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the Senate special urgency file be taken up each morning, immediately after reading of the Journal, for consideration, and that such consideration be had until the hour of adjournment, or until the completion of said file. That from time to time, as the consideration of the bills on the Senate urgency file shall have been practically completed, new files be made up according to alphabetical roll call of the Senators elected and present; *provided*, that said files shall alternately commence with the letter "a" and the letter "w." That the Senate third-reading file be at other times, not in conflict with any other rule, considered until finally disposed of.

Resolution read, and referred to Committee on Rules and Revision.

By Senator Rowell:

Resolved: That Senate Bills Nos. 440 and 229 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section,

requiring that a bill shall be read on three several days in each house, are hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

Senator Rowell moved its adoption.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended by the following vote:

AYES—Senators Bettman, Boyce, Brauhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

NOES—None.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 53—An Act to provide for the organization of municipal corporations, and for determining the population thereof.

Also: Amended, and passed as amended, Senate Bill No. 49—An Act to amend Sections 1083, 1094, 1095, 1096, 1097, 1103, 1105, 1113, 1115, 1116, 1120, 1204, and 1261, and to repeal Sections 1098, 1099, 1100, 1101, and 1114 of the Political Code.

Also: Amended, and passed as amended, Senate Bill No. 59 (Substitute for Assembly Bill No. 124)—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Also: Passed Senate Bill No. 211—An Act making an appropriation to pay the claim of Thomas Hatch.

Also: Passed Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Also: Amended, and passed as amended, Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 49?"

Amend Section 1 by adding after the word "election," in line 37, the following words: "The board having charge and control of elections in the several counties, and cities and counties, may provide by resolution for the registration of voters in their respective precincts by the officers charged with the registration of voters."

Also: Amend Section 1097, Subdivision 4, by striking out all after the word "affidavit," in line 114, and inserting the following words: "must be made before a County Clerk or officer charged with the registration of voters, or their deputies."

Also: Amend by striking out of line 3 of title the figures "1104," and by striking out of line 1, Section 2, the figures "1104."

Also: Amend by striking out all of Section 3 and inserting in lieu thereof the following: "Sec. 3. This Act shall take effect on the first day of January, Anno Domini nineteen hundred."

Also: Amend title by striking out of line 1 the figures "1101."

Also: Amend by inserting in line 3 of the title, after the figures "1100," the figures "1101."

Also: Amend by striking out all of lines 119, 120, and 121 of printed bill.

Also: Amend by striking out of line 123, printed bill, beginning with the word "returned," down to and including the figures "00."

Also: Amend line 1, Section 2, by inserting after the figures "1100" the figures "1101."

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Wolfe—29.

NOES—None.

Senate Bill No. 49 ordered to reëngrossment and enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 59?"

Amend Section 14, in line 4 of printed bill, by striking out the words "twenty-five" and in lieu thereof inserting the word "fifteen."

Also: Amend Section 14, in line 5 of printed bill, by striking out the figure "2" and in lieu thereof inserting the figure "1."

Also: Amend Section 14, in line 6 of printed bill, by striking out the word "ten" and in lieu thereof inserting the word "seven."

Also: Amend Section 14, in line 6 of printed bill, by inserting the words "five hundred" after the word "thousand."

Also: Amend Section 14, in line 6 of printed bill, by striking out the figures "10,000" and in lieu thereof inserting the figures "7,500."

Also: Amend Section 14, in line 7 of printed bill, by striking out the word "ten" and in lieu thereof inserting the word "five."

Also: Amend Section 14, in line 7 of printed bill, by striking out the figures "10,000" and in lieu thereof inserting the figures "5,000."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Senate Bill No. 59 ordered to reëngrossment and enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 118?"

Amend by striking out of Section 4, line 2, the words "its passage" and inserting the words and figures "January 1, 1900."

The roll was called, and the Assembly amendment concurred in by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Senate Bill No. 118 ordered to reëngrossment and enrollment.

Senate Bills Nos. 211 and 421 ordered to enrollment.

QUESTION OF PERSONAL PRIVILEGE.

Senator Simpson arose to a question of privilege, and spoke as follows:

In the San Francisco Call of Tuesday, February 21, appeared the following item:

"Senator Simpson passed two hours to-day in writing explanatory letters to his constituents. According to all accounts, the men in Southern California who are bracing up Simpson are a queer crowd. One of the letters in the Record-Union purports to be from John S. Cox, of Pasadena. Cox is not a resident of Pasadena, but lives in Los Angeles. Moreover, he is a 'bloomin' Britisher,' who cannot vote, because he is not naturalized. Another letter is from Frank Dominguez, a half Mexican. Within the last ten days Senator Bulla received a letter from Dominguez, in which the latter pledged his fidelity to the Senator."

What I desire to say, Mr. President, is this: That the Hon. John S. Cox, whose letter I have seen fit to give to the Record-Union, of Sacramento, and other reputable papers, which I knew would not garble and distort the statements made therein, was born in the State of Ohio, in these United States, under the American flag, and no man has ever stood more firmly by the Republican party than John S. Cox, an ex-Mayor of the City of Pasadena. No person has had more inherent right to vote in the general elections of the County of Los Angeles and the State of California, and no person's voice has had more weight than that of John S. Cox.

Now, in reference to Frank Dominguez. He is a man, who, while having been the friend of Senator Bulla all through the last campaign, has seen fit to make a statement to me that his belief was that Daniel M. Burns was the logical candidate for United States Senator, and ought to be elected, and has written to me, which letter I can pro-

duce, to show that I have carried out the instructions and the real intentions of those to whom I refer in my remarks upon the question of privilege. I cannot help but feel that I have been misquoted, and, in the heat of the moment, I pronounce the person that wrote the article in the Call—a miserable, low-down, dirty, calumniating sheet—as an infernal damn liar.

I have served the people of the State of California for eight years. I never in my life took a dishonest dollar; I have never in my life done a thing that I believed was dishonest; I have come here at the sacrifice of my business, and it does seem strange to me that a person who has done as much for as little remuneration should not at least have accredited to him honest motives. While I am aware that I am under bans to-day from those who believe that a man has no rights except those that are instructed to him, I cannot but help feel that a man who is entrusted with discretion should be once in awhile allowed to use that discretion which the people have entrusted to him. I have read many newspaper accounts upon my course in this Senatorial election, and, while it grieves me to think that some of my people attribute dishonest motives to me, I cannot help but stand up and say that I have done that which I believe to be not only for the best interests of the Republican party of the State of California, but of the people of the whole State.

WITHDRAWAL OF BILL.

Senator Hall asked for and was granted unanimous consent to withdraw Senate Bill No. 332—An Act to regulate the transportation of perishable fruits, goods, or merchandise, by express or transfer companies.

Senate Bill No. 332 withdrawn and ordered stricken from the file.

At eleven o'clock and forty minutes A. M., the Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 444—An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897.

The bill having been read third time on a previous day.

WITHDRAWAL OF REPORT OF SPECIAL COMMITTEE OF ONE.

Senator Chapman asked for and was granted unanimous consent to withdraw the following report, heretofore filed, the adoption of which is pending:

SENATE CHAMBER, SACRAMENTO, February 16, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 444—An Act in relation to municipal elections, where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote on proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897—with instructions to amend, respectfully reports the same back, amended as per instructions.

CHAPMAN, Committee.

Report withdrawn.

WITHDRAWAL OF MOTION.

With the unanimous consent of the Senate, Senator Smith withdrew his motion made Thursday, February 16, 1899, to appoint Senator Chapman a special committee of one to amend Senate Bill No. 444.

MOTION TO REFER TO A SPECIAL COMMITTEE OF ONE TO AMEND.

Senator Stratton moved that Senator Dwyer be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 6, line 7, page 2, printed bill, the word "fifteen," and inserting in lieu thereof the words "twenty-five."

Also: Amend by inserting in line 13, Section 6, page 3, printed bill, after the words "open for," the words "at least."

Also: Amend by striking out of Section 6, line 13, page 3, printed bill, the word "fifteenth," and inserting in lieu thereof the words "twenty-fifth."

Also: Amend by striking out of Section 8, line 1, page 3, printed bill, the word "great."

Also: Amend by striking out of Section 8, line 2, page 3, printed bill, the word "great."

Also: Amend by striking out of Section 8, line 6, page 3, printed bill, the words "a certified supplementary list," and inserting the following in lieu thereof: "the additional names."

Also: Amend by striking out of Section 8, lines 9 to 16, page 3, printed bill, the words "for which such certified list is prepared. Said supplementary list shall be certified for the use of, and delivered to the Board of Election of each municipal election precinct by the County Clerk of the county, or city and county, in which such municipality exists, and in those counties, or cities and counties, where an officer other than the County Clerk is charged with the duty or clothed with the authority for the registration of voters, then by such officer."

Also: Amend by striking out of Section 8, line 19, page 3, printed bill, the words "the other officer aforementioned," and inserting in lieu thereof the following: "person clothed with the authority for the registration of voters."

Also: Amend by striking out of Section 8, lines 22 and 23, page 3, printed bill, the words "in addition to the supplementary list," and inserting in lieu thereof the following: "and the additional registration."

Also: Amend by striking out of Section 9, lines 4, 5, and 6, page 4, printed bill, the words "unless his name is enrolled upon the supplementary list herein provided for nor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 444—An Act in relation to municipal elections, where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897—with instructions to amend, respectfully reports the same back, amended as per instructions.

DWYER, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 326—An Act to amend the title to an Act entitled "An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled 'An Act to appropriate money to reimburse the University of California, for money heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893; to amend Section 4 of the same Act, and to appropriate the sum of \$16,747 50, now in the University Fund and unavailable.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 326 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215—An Act for the relief of Julius A. Holt, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service.

During the second reading of bill, the following amendments were offered by the committee:

Amend by striking out the words "seven thousand," in line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the word "twenty."

Amendment adopted.

Also: Amend by striking out the word "immediately," in line 1, Section 2, page 1, printed bill, and inserting in lieu thereof the words "the first day of January, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 446—An Act to provide a system of drainage for agricultural swamp and overflowed lands.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 446 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Doty, Gillette, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Smith, Taylor, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 227—An Act making an appropriation to pay the unpaid claims for bounty on coyote scalps.

During the second reading of bill, the following committee substitute was submitted:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 227.

An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgment which may be recovered thereunder.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The owners or holders of claims or demands against this State arising under the provisions of an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March thirty-first, eighteen hundred and ninety-one, may, within twelve months from the passage of this Act, bring suit upon their said claims or demands in any of the courts of this State of competent jurisdiction, and prosecute the same to final judgment. The rules of practice in civil cases shall apply to such suits, except as herein otherwise provided, with the right of appeal to either party.

SEC. 2. Service of summons in such suits shall be made on the Attorney-General. It shall be the duty of the Attorney-General to defend all such suits; and upon his written demand, made at or before the time of answering, the place of trial of any such suit must be changed to the County of Sacramento.

SEC. 3. All costs in any suit brought hereunder shall be paid by the plaintiff in the action; and in case judgment therein be for the plaintiff, it shall be for the amount actually found due to the plaintiff, without interest thereon and without costs; and such judgment shall bear no interest after rendition.

SEC. 4. It shall be the duty of the Attorney-General to report to the Legislature at its next ensuing session all final judgments recovered against the State hereunder, not theretofore reported.

SEC. 5. Any final judgment recovered hereunder against the State shall be paid in the manner following, to wit: Upon presentation of a certified copy of such judgment to the State Controller, the Controller shall draw his warrant upon the appropriation provided for the purpose, for one half the amount of such judgment, payable out of such fund for the then current fiscal year; and thereafter, during the next ensuing fiscal year, the Controller shall in like manner draw his warrant for the remaining half of such judgment, payable out of such fund for such ensuing fiscal year—the purpose and intent being that but one half of any judgment recovered hereunder shall be payable out of the treasury during any one fiscal year.

SEC. 6. The sum of two hundred and eighty-seven thousand six hundred and fifteen dollars (\$287,615), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay any final judgments which may be recovered against the State under the provisions of this Act; *provided*, that no more than one half of the amount so appropriated shall be paid out of the treasury during one fiscal year.

SEC. 7. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to engrossment, and to retain place on special urgency file.

Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases.

RECESS.

During the second reading of bill, the hour of eleven o'clock and fifty-eight minutes A. M. having arrived, Hon. Thomas Flint, Jr., President pro tem. of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 21, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milfee, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—77.

Quorum of Joint Assembly present.*

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Monday, February 20, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Monday, February 20, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Gillette and Taylor—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Prisk, and Sims—10.
For James D. Phelan—Senator Hall—1.
For W. H. Alford—Senator Pace—1.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	1 vote.
W. H. Alford received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly

to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Brown, Clough, Knights, Knowland, Lardner, and Muenther—8.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Johnson, Kelley, Kelsey, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, Dale, De Lancie, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—18.

For Irving M. Scott—Mr. Dunlap—1.

For Stephen M. White—Messrs. Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Mack, Mead, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—15.

For John Rosenfeld—Messrs. Brooke and Crowley—2.

For James D. Phelan—Messrs. Burnett and Hoey—2.

For Thomas R. Bard—Mr. Greenwell—1.

For Abbot Kinney—Mr. Meserve—1.

Whole number of votes cast by Assemblymen	75
W. H. L. Barnes received	8 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	17 votes.
U. S. Grant, Jr., received	18 votes.
Irving M. Scott received	1 vote.
Stephen M. White received	15 votes.
John Rosenfeld received	2 votes.
James D. Phelan received	2 votes.
Thomas R. Bard received	1 vote.
Abbot Kinney received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	112
Necessary to a choice	57
W. H. L. Barnes received	12 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	11 votes.
D. M. Burns received	25 votes.
U. S. Grant, Jr., received	25 votes.
Thomas R. Bard received	3 votes.
Irving M. Scott received	2 votes.
John Rosenfeld received	3 votes.
Stephen M. White received	25 votes.
James D. Phelan received	3 votes.
W. H. Alford received	1 vote.
Abbot Kinney received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and twenty-five minutes P. M., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Wednesday, February 22, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-nine minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—32.

Quorum present.

MOTION.

Senator Stratton moved that the sense of the Senate be that it be in session on Wednesday, February 22, 1899.

Motion carried.

LEAVE OF ABSENCE.

Senator Davis was granted a leave of absence for the balance of this day, on his own motion.

RECESS.

At twelve o'clock and thirty minutes P. M., the hour of recess having arrived, the President pro tem. declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Smith, Stratton, and Trout—31.

Quorum present.

LEAVE OF ABSENCE.

At two o'clock and fifteen minutes P. M., on motion of Senator Boyce, the Committee on Education and Public Morals was granted a leave of absence for one hour.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 400—An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures.

Passed on file.

Assembly Bill No. 32—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 32 refused final passage by the following vote:

AYES—Senators Ashe, Braunhart, Curtin, Gillette, La Rue, Morehouse, Prisk, and Wolfe—8.

NOES—Senators Bettman, Boyce, Bulla, Burnett, Cutter, Doty, Dwyer, Hall, Jones, Laird, Leavitt, Luchsinger, Maggard, Nutt, Rowell, Shortridge, Smith, and Trout—18.

• NOTICE OF MOTION TO RECONSIDER.

Senator Smith gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 32 was this day refused final passage.

Assembly Bill No. 177—An Act authorizing and directing District Attorneys to bring suits to abate public nuisances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 177, finally passed by the following vote:

AYES—Senators Bettman, Brauhart, Bulla, Burnett, Cutter, Dickinson, Dwyer, Feeney, Gillette, Hall, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Read second time, and ordered to third reading.

Assembly Bill No. 44—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State.

Passed on file.

Assembly Bill No. 85—An Act to prevent the blacklisting of employes.

Senator Cutter moved to deny Assembly Bill No. 85 a second reading.

Motion carried.

The Secretary was instructed to prepare a message to the Assembly notifying that body of the Senate's action on Assembly Bill No. 85.

Assembly Bill No. 96—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens for mechanics and others upon real property.

Passed on file.

Assembly Bill No. 24—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

During the second reading of bill, the following amendment was offered by Senator Wolfe:

Amend by striking out the whole of subdivision 4 of Section 1524, on page 2 of Assembly Bill No. 24, and inserting the following in lieu thereof: "4. When the property is a cask, keg, bottle, vessel, siphon, can, case, or other package, bearing printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon the duly filed trademark or name of the person by whom or in whose behalf the search warrant is applied for, in the possession of any person, except the owner thereof, with intent to sell, traffic in, or refill the same, or in the possession of another to whom such person shall have delivered it with such intent and without such owner's consent, or unless the same shall have been purchased from the owner thereof; in which case it may be taken on the warrant from such person or from any place occupied by him, or under his control, or from the possession of the person to whom he may have delivered it."

Amendment adopted.

Bill read second time, ordered to print and third reading.

MOTION.

Senator Wolfe moved that Committee Substitute for Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, and 647 of the Civil Code, and repealing

Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations—be re-referred to Committee on Corporations; bill to retain its place on file.

Motion carried, and bill so referred.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS—(RESUMED).

Assembly Bill No. 158—An Act to amend Sections 6, 7, and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved March 18, 1885, and an amendatory Act thereof, approved March 7, 1889.

Read second time, and ordered to third reading.

Assembly Bill No. 261—An Act to amend the Penal Code by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

Read second time, and ordered to third reading.

Assembly Bill No. 528—An Act to amend an Act entitled "An Act to establish a Political Code," by adding thereto a new section, to be numbered 1818c, providing for special funds for the payment of teachers' salaries in counties constituting but one school district, and defining the duties of Boards of Education, Auditors, and Treasurers in relation thereto.

During the second reading of bill, the following amendment was offered by Senator Bulla:

Amend by inserting an enacting clause.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Passed on file.

Assembly Bill No. 156—An Act for the protection of horticulture, and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

Read second time, and ordered to third reading.

ASSEMBLY JOINT RESOLUTION No. 10.

Relative to setting over and establishing granite posts to mark a true boundary line between the States of California and Nevada.

WHEREAS, The Congress of the United States has heretofore appropriated money for and has caused a resurvey of that portion of the boundary line between the States of Nevada and California as lies between Lake Tahoe and the southeasterly corner of San Bernardino County, in the State of California; and

WHEREAS, Said resurvey has been made and temporary posts placed along the new boundary line thus resurveyed, clearly establishing and defining the true and correct line between the States; and

WHEREAS, It is of great importance to this State, and especially to those counties of the State which border on said line and the State of Nevada, that the new line established shall be taken and forever established as the true boundary line between the said States; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives be requested, to cause such legislation to be enacted as will authorize the proper authorities to set over and establish the granite posts now marking the old line to the temporary posts erected on the new line, and when said

granite posts are thus erected the new line, as thus established, shall thereafter be recognized as the true boundary between the States of California and Nevada, or if the removal of said granite posts is impracticable, that the present temporary posts be recognized as marking the true boundary line between the said States;

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Flint, Gillette, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—21.

NOES—None.

Assembly Joint Resolution No. 10 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 12—Relative to an exposition at San Francisco, in 1901, of products and industries of Pacific Ocean countries.

Resolution read, and passed on file, on motion of Senator Smith.

At three o'clock and ten minutes P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Assembly Joint Resolution No. 13—Relative to creating the rank of Admiral, and conferring the same on Rear Admiral George Dewey.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 13 refused adoption by the following vote:

AYES—Senators Bettman, Brauhart, Dwyer, Stratton, Trout, and Wolfe—6.

NOES—Senators Ashe, Bulla, Burnett, Chapman, Curtin, Dickinson, Feeney, Flint, Gillette, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk Rowell, and Shortridge—21.

The Secretary was directed to transmit to the Assembly a message setting forth the action of the Senate on the above resolution.

At three o'clock and twenty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 132—An Act to provide for the satisfaction of record of real property mortgages which have been foreclosed and the property covered thereby sold, and to provide for the form of such satisfaction.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 132 finally passed by the following vote:

AYES—Senators Ashe, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 444—An Act to amend Section 1444 of the Code of Civil Procedure, in relation to appraisements of estates of deceased persons.

Senator Leavitt moved that Substitute for Assembly Bill No. 444 be printed.

So ordered.

On motion of Senator Leavitt, the further consideration of Assembly Bill No. 444 was temporarily postponed until the proposed committee substitute be printed.

Committee Substitute for Assembly Bill No. 444 ordered printed.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read, on motion of Senator Dickinson:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 439—An Act to amend Sections 3, 11, and 19 of "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; said amendments relating to the treating, buying, or giving of any cigars, or intoxicating beverage, or any temperance beverage, to any person by a candidate for public office.

Also: Concurred in Senate amendments to Assembly Bill No. 246—An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations.

Also: Concurred in Senate amendments to Assembly Bill No. 308—An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V of the Political Code, relating to the State Library.

Also: Passed Assembly Bill No. 322—An Act to amend Section 1142 of the Political Code, relating to elections.

Also: Assembly Bill No. 349—An Act to amend the Penal Code by adding two new sections to Title IV thereof, relative to crimes against the elective franchise, said sections to be numbered 63 and 63½, respectively.

Also: Assembly Bill No. 353—An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita, but increasing said appropriation in the aggregate.

Also: Assembly Bill No. 617—An Act authorizing the Secretary of State to bore a well, furnish and set stand pipes, tanks, filter, and lay pipes in the Capitol grounds, and making an appropriation therefor.

Also: Assembly Bill No. 940—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 439 read first time, and referred to Committee on Elections.

Assembly Bill No. 322 read first time, and referred to Committee on Elections.

Assembly Bill No. 349 read first time, and referred to Committee on Elections.

Assembly Bill No. 353 read first time, and referred to Committee on Elections.

Assembly Bill No. 617 read first time, and ordered on file without reference to committee, on motion of Senator Dickinson.

Assembly Bill No. 940 read first time, and referred to Committee on Public Buildings other than Prison Buildings.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 30?"

Amend by striking out the word "fifth," in line 20, Section 1371, page 7, printed bill, as engrossed, and inserting in lieu thereof the word "sixth."

Also: Amend by inserting in line 15, after the words "his choice," Section 1374, page 9 of the engrossed printed bill, the words: "provided, that on any such slip there may be printed a designation of the convention to which delegates are to be elected."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Dickinson, Dwyer, Flint, Gillette, Hall, Laird, Langford, La Rue, Leavitt, Maggard, Morehouse, Nutt, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Senate Bill No. 30 ordered reëngrossed and to enrollment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Dickinson:

Resolved, That Assembly Bill No. 940 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

Senator Dickinson moved its adoption.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—30.

NOES—Senator Leavitt—1.

CASE OF URGENCY—SECOND AND THIRD READING OF BILL.

Assembly Bill No. 940—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor.

Read second and third times.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 940 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Curtin, Cutter, Dickinson, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Curtin moved that the Senate urgency file be now considered. So ordered.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases.

During the second reading of bill, the following amendments were offered by Senator Curtin:

Amend by inserting after the word "railroad," in line 1, Section 1, the words "other than street railroads or railroads operated within municipalities."

Amendment adopted.

Also: Amend by striking out all after the enacting clause, and inserting in lieu thereof the following:

"SECTION 1. Whenever any part or branch of any railroad, where such part or branch is operated wholly within any one county in this State, cannot be operated with profit, the operation of such portion thereof may be discontinued for such time as may be fixed by a resolution of the Board of Directors of the company owning such railroad; *provided, however,* that no discontinuance of the operation of any such part or branch of any such railroad under this Act shall be for a longer period than two years, nor shall such discontinuance be deemed to be a forfeiture of the right to operate such part or branch at any time that the operation thereof may be resumed by the company owning the same; *provided, however,* that whenever any railroad is operated in more than one county, and the operation of any portion thereof wholly within any one county is discontinued, the owners thereof shall then forfeit the right to discontinue the operation of any other portion of the railroad operated in another county so long as the operation of the discontinued portion is so discontinued."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 300—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements by the managers of the Napa State Hospital, at Napa, and appropriating money therefor.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "one hundred and fifty-five," after the words "the sum of," in line 1, Section 2, page 2, printed bill, and inserting in lieu thereof the words "seventy-five."

Amendment adopted.

The following amendment was offered by Senator La Rue:

Amend by striking out of Section 3, line 1, the word "immediately," and inserting in lieu thereof the following: "January first, nineteen hundred."

Amendment adopted.

The following amendment was offered by Senator Rowell:

Amend Section 2 by inserting the words "thirty thousand" instead of "seventy-five thousand."

The question being on the adoption of the amendment offered by Senator Rowell.

The ayes and noes were demanded by Senators Bulla, Prisk, and Trout.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Bulla, Dickinson, Gillette, Jones, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Simpson, and Sims—11.

NOES—Senators Ashe, Bettman, Brauhart, Burnett, Chapman, Dwyer, Feeney, Flint, Hall, Laird, La Rue, Leavitt, Nutt, Shortridge, Smith, Stratton, Taylor, and Wolfe—18.

MOTION TO TAKE A RECESS.

At four o'clock and thirty-five minutes P. M., Senator Dickinson moved that the Senate take a recess until eight o'clock P. M., which motion was duly seconded.

Motion temporarily withdrawn for the transaction of the following business:

MESSAGES FROM THE ASSEMBLY.

On motion, the following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day corrected Senate Bill No. 30—An Act concerning elections and providing for the election of delegates to nominating conventions of political parties at elections

known and designated as primary elections—which bill was returned to the Assembly from the Senate, pursuant to a request of the Assembly; that said bill was amended and passed the Assembly as amended, February 16, 1899, and the Senate concurred in the Assembly amendments on February 17, 1899.

Also: Adopted a resolution respectfully asking that your honorable body return to the Assembly for correction Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 30 ordered to enrollment.

Senate Bill No. 59, by unanimous consent, recalled from enrollment, and ordered returned to the Assembly.

RESOLUTION—(OUT OF ORDER).

Senator Stratton offered the following resolution, and moved its adoption:

Resolved, That the Pages of the Senate be excused from attendance at the evening session of this body on February 22, 1899.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Assembly Joint Resolution No. 7—Relative to irrigation in San Joaquin Valley—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEAVITT, Chairman.

Assembly Joint Resolution No. 7 ordered on special file of Assembly bills.

RECESS.

At four o'clock and forty minutes P. M., Senator Dickinson having renewed his motion to take a recess, the same was carried, and the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—27.

Quorum present.

On motion of Senator Leavitt, the Senate proceeded to consider bills on the special urgency file.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 300—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improve-

ments by the managers of the Napa State Hospital, at Napa, and appropriating money therefor.

The consideration of the above bill having been interrupted by recess, the same was taken up for further consideration.

In the absence of the author of bill, its further consideration was temporarily postponed.

Senate Bill No. 22—An Act to create the Harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the Harbor of Oakland, to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties, and jurisdiction, fixing their terms, salaries, and their bonds, and providing how vacancies shall be filled, providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collector, and other employes, and providing for the manner of their appointment, and defining their duties and fixing their tenure of office, providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board or employes a misdemeanor, and providing a penalty of a fine not to exceed three hundred dollars, or imprisonment not exceeding one hundred days as a punishment therefor, and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing punishment therefor of a fine of not less than one hundred dollars and not more than five hundred dollars, or by imprisonment of not less than thirty nor more than ninety days, and making it a misdemeanor to drive horses, or mules, or vehicles upon any wharf, pier, quay, landing, or thoroughfare faster than a walk, and providing a punishment of a fine of not more than twenty dollars, or imprisonment of not more than ten days, and providing that the Police Court of the City of Oakland shall have jurisdiction of all such misdemeanors herein provided, and making it a misdemeanor for masters, owners, or consignees of vessels or railroad to refuse or to neglect to deliver to the wharfinger, or other employe of the board, a statement of the quality of the merchandise intended to be discharged, and making the punishment therefor a fine of not more than one hundred dollars, or imprisonment of not more than three months, or both; and making it a misdemeanor for any such person to discharge, or to allow to be discharged, from any such vessel or car any part of its cargo or load, or receive, or allow to be received, on such vessel or car, any such part of its cargo or load, and providing a punishment of a fine not exceeding five hundred dollars, or imprisonment not exceeding one hundred days, or by both such fine and imprisonment, and providing that the Attorney-General shall furnish advice to the board when required.

During the second reading of bill, the following amendment was offered by Senator Stratton:

Amend by striking out of Section 5 all of line 3, to and inclusive of the words "operation of any law," in line 3s of said section, and inserting in lieu thereof the following: "tion over all the right, title, and interest which the people of the State of California, or the City of Oakland, or any other municipality now has or may hereafter have within all or any of the following described lands, waters, and premises, to wit: Beginning at the point of intersection of the present northern boundary line of the town of Berkeley with the line of ordinary high tide on the east shore of the Bay of San Francisco, and running thence southerly along the said line of ordinary high tide to the northern boundary of the City of Oakland; thence southerly along and fol-

lowing said line of ordinary high tide to the mouth of the Estuary of San Antonio; thence easterly along and following said line of ordinary high tide, up said estuary to the north arm thereof, the arm extending up to Lake Merritt; thence across said north arm to the line of ordinary high tide on the eastern shore of said north arm; thence along and following said line of ordinary high tide easterly, southerly, and westerly to the line of ordinary high tide along the east shore of the Bay of San Francisco at the mouth of said Estuary of San Antonio, that is, following said line of ordinary high tide up to and around what is commonly known as the Brooklyn Basin, and thence down said Estuary of San Antonio on and along the line of ordinary high tide on its south shore to its mouth; thence due west to the western boundary line of the County of Alameda; thence northerly along said western boundary line of said county to a point on said boundary line where it would be intersected by a line drawn due west from the point of commencement; thence due east to the point of commencement; together with the improvement, rights, privileges, easements, and appurtenances connected therewith, or in any wise appertaining thereto."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 415—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries at Sisson and Price Creek.

Passed on file.

Senate Bill No. 252—An Act to repeal an Act entitled "An Act authorizing the Controller to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as the Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year"; to create the office of Expert to the Controller, and prescribing his compensation.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 252 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Curtin, Cutter, Doty, Feeney, Flint, Gillette, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senators Bulla, Burnett, Chapman, Jones, Laird, La Rue, and Rowell—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 63—An Act to amend Section 1227 of the Civil Code of the State of California.

Read second time, and considered engrossed.

SPECIAL ORDER SET.

On motion of Senator Morehouse, further consideration of Senate Bill No. 63 was postponed until eight o'clock P. M. of Wednesday, February 22, 1899, and made the special order for that hour.

SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 473—An Act to provide for redeeming property sold to the State for delinquent taxes for years prior to 1893, and for the payment of delinquent taxes for such years, and providing for deeds to be issued upon all property sold to the State for such years, which has not been redeemed, and authorizing suit to be brought for enforcing the lien for delinquent taxes for such years, and requiring individual purchasers

to procure tax deeds or relinquish their right to property purchased at tax sales, and providing that the Act shall apply to cities.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 refused passage by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Dwyer, Feeney, Flint, Hall, Jones, La Rue, Leavitt, Morehouse, Nutt, and Stratton—14.

NOES—Senators Boyce, Bulla, Burnett, Curtin, Dickinson, Gillette, Laird, Luchsinger, Prisk, Rowell, Shortridge, Sims, Smith, Trout, and Wolfe—15.

Senate Bill No. 229—An Act to provide for the disposal of money raised by cities or towns for public improvement after the same had been completed and paid for.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 229 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1890.

Passed on file.

Senate Bill No. 300—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements by the managers of the Napa State Hospital at Napa, and appropriating money therefor.

Second reading of bill resumed.

Senator Dickinson moved to amend by adding to Section 1 the following:

“Provided, that no expense shall be incurred or plans or specifications acted upon until the consent and approval of the Board of Examiners shall have been first had.”

Amendment adopted.

Also: *“Provided further, that before plans or specifications are approved for any portion of the work hereby authorized, proper examination, and report of plans and specifications, and estimate of expenses, shall be obtained not only of the work that may be done with this appropriation, but also as to any further work which may be necessary to complete the work proposed.”*

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 440—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

On motion of Senator Dickinson, consideration of the above bill was postponed until Wednesday, February 22, 1899.

Senate Bill No. 327—An Act providing for liens upon horses and other animals for the cost of shoeing same.

During the second reading of bill, the following amendments were offered:

By Senator Dickinson:

Amend by striking out all of Section 6.

Amendment lost.

By Senator Curtin:

Amend by striking out the words "mule or ox or other animal" where they appear in lines 1 and 2 of Section 1, and lines 2 and 3 of Section 2.

Amendment lost.

By Senator Bulla:

Amend by striking out of Section 3, lines 3 and 5, the words "Recorder of Conveyances," and inserting in lieu thereof the words "County Recorder."

Amendment lost.

Bill read second time.

MOTION.

Senator Curtin moved that the bill be denied third reading.

AYES AND NOES.

On the motion of Senator Curtin, the ayes and noes were demanded by Senators Shortridge, Leavitt, and Dickinson.

ROLL CALL.

The roll was called, and the motion to deny the bill third reading lost by the following vote:

AYES—Senators Ashe and Stratton—2.

NOES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Trout, and Wolfe—27.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 327 refused passage by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Dwyer, Feeney, Hall, Laird, Leavitt, Morehouse, Prisk, Simpson, Smith, and Wolfe—13.

NOES—Senators Ashe, Bulla, Chapman, Curtin, Cutter, Dickinson, Flint, Gillette, Jones, La Rue, Luchsinger, Nutt, Rowell, Shortridge, Sims, Stratton, and Trout—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Shortridge gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 327 was this day refused passage.

SPECIAL ORDER SET.

On motion of Senator Wolfe, messages from the Governor were made special order for Wednesday, February 22, 1899, immediately after reading of the Journal.

ADJOURNMENT.

At ten o'clock and forty-five minutes p. m., on motion of Senator Leavitt, the Senate was declared adjourned until ten o'clock A. M. of Wednesday, February 22, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 22, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nott, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING OF JOURNAL.

The Journal of Tuesday, February 21, 1899, was read.

LEAVE OF ABSENCE.

Senator Currier was granted a leave of absence until Thursday, February 23, 1899, on motion of Senator Bulla.

Senator Sims was granted a leave of absence for the day, on motion of Senator Chapman.

Senator Doty was granted a leave of absence, on account of illness, for the day, on motion of Senator Burnett.

SPECIAL ORDER.

The reading of the Journal having been dispensed with, the special order heretofore set for consideration at this hour was taken up, viz.:

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 10, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 109—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd by the State Board of Examiners, and to appropriate money therefor.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 15, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 37—An Act making an appropriation to pay the claim of F. P. Otis, for costs of suit in foreclosing delinquent purchases of State school lands.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 17, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 551—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

Also: Senate Bill No. 46—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 16, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 12—An Act to prevent the maintenance against the State, or any officer thereof, by any county or county officer, of any action or proceeding for the collection or recovery of any money alleged to be due such county, or any officer thereof, for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes.

Also: Senate Bill No. 32—An Act to amend Section 595 of the Civil Code.

Also: Senate Bill No. 65—An Act to add a new section to the Political Code, to be known as Section 793, relating to notaries public.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 17, 1899. }

To the Senate of the State of California:

Pursuant to the requirement of Section 6 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893, I have the honor to report to your honorable body that on the 8th day of August, 1895, in the Superior Court of San Francisco, State of California, in case No. 43553, wherein J. F. Chapman was plaintiff and the People of the State of California was defendant, a judgment for plaintiff in the sum of \$1,265, with interest, was rendered against the people.

The said action will be found referred to on pages 6 and 86 of the report of the Attorney-General of the State for the years 1895 and 1896.

I find that this judgment has not heretofore been reported to the Legislature. I suggest that Section 6 be amended so that the Attorney-General, and not the Executive, make such reports in future.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 18, 1899. }

To the Senate of the State of California:

I have the honor to call the attention of your honorable body to the State's finances.

The condition of the treasury is such that, if everything be paid which the General Fund is chargeable with (even if not a single dollar be appropriated by your honorable body at this session of the Legislature), still, at the end of this year, there will be the enormous deficiency in the General Fund of about \$900,000.

I most respectfully direct your attention to this condition of the finances, in order to correct the delusive statements which have been put abroad in reference to the plethoric condition of our treasury; and most respectfully urge upon you the great necessity for economy, and that you make only such appropriations as are of the most urgent character; and such appropriations should be made payable only, so far as possible, on and after the first day of January, 1900—at which time there will be an additional installment of State taxes.

If there be transferred, at the proper time, to the General Fund from other funds, \$400,000, then, in view of the fact that some of the existing demands may not be presented, I think it safe to proceed on the basis that, with this transfer of \$400,000, we will have sufficient money with which to meet and manage our financial liabilities until the incoming taxes of January next.

I therefore respectfully request your honorable body to pass an Act directly authorizing the Governor for and during this year, when in his opinion the necessity arises, to order the Controller to direct the transfer of \$400,000 from other funds to the General Fund; and that this amount so transferred shall be returned to the fund or funds from which it be transferred as soon as there is sufficient money in the General Fund.

While I am decidedly opposed, as a general proposition, to this transfer of funds, I am confronted by a condition for which this administration is in no way responsible; and I trust that our finances may be so managed under this administration as to avoid a repetition of such a necessity.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 16, 1899. }

To the Senate of the State of California:

I herewith respectfully withdraw from the consideration of your honorable body the following appointments submitted to your honorable body for approval on the third day of January, A. D. 1899, namely:

Benjamin F. Bergen, of Alameda, vice W. W. Foote, resigned; Andrew J. Ralston, of Alameda, vice self, term expired, and James Palache, of Alameda, vice John Garber, resigned, as Directors Deaf, Dumb and Blind Asylum.

F. W. G. Moebus, of Alameda, vice F. W. Lougee, deceased, and A. B. Ware, of Sonoma, vice A. P. Overton, term expired, as Directors of the California Home for the Care and Training of Feeble-Minded Children.

Charles Gould, vice H. F. Emeric, resigned, as a Fish Commissioner.

J. W. Prout, of San Diego, vice D. C. Reed, term expired, as member of the State Board of Harbor Commissioners for the Port of San Diego.

John H. Dickinson, of Marin, vice N. T. James, resigned, to be Major-General.

Alexander Smith, of San Pedro, vice J. F. Anderson, as Pilot for the Port of Wilmington and Bay of San Pedro.

Mrs. Phoebe Hearst, of San Francisco, vice C. F. Crocker, deceased; J. West Martin, of Oakland, vice self, term expired, and James D. Phelan, of San Francisco, vice George T. Marve, term expired, as members of the Board of Regents of the University of California.

Preston L. Lykins, of Sacramento, vice N. Greene Curtis, deceased, as member of the Board of Trustees of the State Burial Ground.

John R. Price, of Colusa, W. L. Ashe, of San Francisco, and Marsden Manson, of San Francisco, as Highway Commissioners.

Charles A. Reynolds, of San Francisco, for the term of four years; W. E. Maggard, of Tehama, for the term of four years, and William M. Finch, of Glenn, for the term of four years, as Trustees of the State Normal School of Chico.

Percy R. Wilson, of Los Angeles, for the term of four years, and N. P. Conrey, of Los Angeles, for the term of four years, as Trustees of the State Normal School of Los Angeles.

R. E. Wilhoit, of San Joaquin, for the term of four years, and George W. Pierce, of Yolo, for the term of four years, as Trustees of the State Normal School of San José.

I. B. Dockweiler, of Los Angeles, and R. M. Powers, of San Diego, for the term of four years, as Trustees of the State Normal School at San Diego.

HENRY T. GAGE,
Governor of the State of California.

Communication relative to withdrawal of Executive nominations referred to Committee on Executive Communications and Nominations.

PETITION.

Senator Bulla presented the following petition, which was read, ordered printed in the Journal, down to and including the sixth name:

To the Senate and Assembly of the Legislature of California:

We, the undersigned, residents of Fernando and vicinity, in the County of Los Angeles, California, respectfully ask your honorable body to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amuse-

ments inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

JAMES B. HOLLOWAY.
R. S. MACLAY.
SARAH A. MACLAY.
JENNIE C. KAHLER.
S. J. KAHLER.
ADDIE O. EDWARDS.
And 1,461 others.

MOTION.

Senator Jones moved that the proposed committee substitute for Senate Bill No. 491 be printed.

So ordered.

RESOLUTIONS.

The following resolutions were offered and read:

By Senator Cutter:

Resolved, That the pay of \$5 per diem be allowed Paul M. Gregg from February 4 to February 21, 1899, the same payable out of the Contingent Fund of the Senate, for indexing the Senate Journal and Senate bills at the request and under the direction of the Secretary of the Senate, and he be instructed to continue said work to the end of the present session at the same compensation.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Boyce:

Resolved, That Frank D. Springer be and is hereby appointed a Page of the Senate, with the same per diem as the other Pages, the same payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Dwyer:

Resolved, That the sum of \$115 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to Miss May Driscoll, for services rendered and performed as stenographer from January 25 up to and including February 17, 1899, and the Controller of State is hereby directed to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Leavitt:

Resolved, That when a substitute for a bill be offered by a committee or member of the Senate at any time previous to second reading, it shall immediately be sent to printer.

Referred to Committee on Rules and Revision.

By Senator Luchsinger:

Resolved, That the Special Committee on Finances, Public Buildings, and Hospitals be reimbursed for expenditures incurred in visiting and inspecting the State Hospital at Napa, amounting to \$75 85, and that the Controller of State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of the Senate, and the same be charged to the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

On motion, it was resolved that the Joint Rules be amended to read as follows:

Strike out all after the word "no" in line 3, Section 12, and insert in lieu thereof "fees or expenses shall be allowed by either house in such contest."

Referred to Committee on Rules and Revision.

By Senator Flint:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day

of the session without the consent of two-thirds of the members thereof, be suspended, and that Senator Flint be, and he is hereby permitted to introduce a bill, to be numbered 720.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall Hogg, Jones, Laird, La Rue, Leavitt, Lachsinger, Mazard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—31.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been suspended, the following bill was introduced:

By Senator Flint: Senate Bill No. 720—An Act to authorize and permit the use of the Great Seal of the State of California and such other appropriate designs pertaining to the State, by the order of the Native Sons of the Golden West, a patriotic order, created and existing under the laws of California, in the making of medals to be presented by and under the auspices of said order, to the officers and members of the United States volunteer troops from California, who have been in active service in the late war with Spain.

Read first time, and referred to Committee on Military Affairs.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 403—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease, by railroad corporations created under the laws of this State, or by any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carriers in this State, of any or all of the property and franchises owned, situated held or used wholly or partially in this State by any railroad company created under the laws of this State, or of any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease, by any such corporation, as above mentioned, of any such property or franchise, or both, which it may now own, use, or hold wholly or partially in this State, for and during the period of three years from and after the passage of this Act within which to purchase or lease such property, and making it unlawful for any railroad corporation to increase the freights and fares above the rates now established or which may be established prior to such sale or lease, or for two or more railroad corporations to combine or be jointly interested in such purchase or lease, and providing as a penalty for the violation of this Act the forfeiture of the franchises of offending railroad corporations, and directing the Attorney-General to institute proceedings for such forfeiture—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute do pass.

SIMPSON, Chairman.

Senate Bill No. 403 ordered on file for second reading.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 662—An Act to amend Section 1416 of the Civil Code, relative to water rights—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Acting Chairman.

Senate Bill No. 662 ordered on file for second reading.

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 245—An Act to amend Sections 354, 1489, and 1492 of the Political Code, relating to State Normal Schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 533—An Act to prohibit trespassing upon locomotive engines, freight or passenger cars, or trains, and to provide a punishment therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

Also: Senate Bill No. 2—An Act to regulate the practice of barbering, the licensing of persons to carry on such practice, and to insure the better education of such practitioners in the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

BOYCE, Chairman.

Assembly Bill No. 245 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 533 and 2 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 4—An Act to create an Exempt Fireman's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and service as firemen of such exempt firemen—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, for the reason that a substitute known as Senate Bill No. 40, covering the same object, has been offered by the Committee on Municipal Corporations.

Also: Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as and numbered Section 2664, relating to highway taxes.

Also: Senate Bill No. 374—An Act to amend Section 2653 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes.

Also: Assembly Constitutional Amendment No. 23—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 10, Article IX thereof, confirming the founding of the Leland Stanford Junior University, delegating certain powers to the trustees thereof, and authorizing the exemption of its property from taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

GILLETTE, Chairman.

Assembly Bill No. 4 ordered on special file of Assembly bills.

Senate Bills Nos. 373 and 374 ordered on file for second reading.

Assembly Constitutional Amendment No. 23 ordered on special file of Assembly bills.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 195—An Act to amend Section 142 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 45—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 228 of said Act, relating to and providing for county charges.

Have had the same under consideration, and respectfully report the same back, and recommend that authors be requested to withdraw same.

MOREHOUSE, Chairman.

Senator Stratton asked for and was granted unanimous consent to withdraw Senate Bill No. 195.

Senate Bill No. 195 withdrawn and ordered stricken from the file.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 45.

Senate Bill No. 45 withdrawn and ordered stricken from the file.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 469—An Act to authorize the Board of Managers of the Stockton State Hospital at Stockton to purchase lands for farm and dairy purposes for the use of the Stockton State Hospital at Stockton, under control of said Board of Managers, and to construct necessary farm buildings and fencing thereon, and such other improvements as may be necessary for said purposes, and to purchase livestock, farming utensils, and other personal property necessary therefor, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that it be referred to Committee on Finance and Claims.

Also: Senate Bill No. 470—An Act making an appropriation of \$5,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Also: Senate Bill No. 672—An Act to amend subdivision 2 of Section 1, Article III, of an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Finance and Claims.

SMITH, Chairman.

Senate Bills Nos. 469, 470, and 672 referred to Committee on Finance and Claims.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred Senate Concurrent Resolution No. 8—Relative to the adjournment of the Legislature on the fourth day of March, Anno Domini 1899.

WHEREAS, The Constitution of the State provides for a session of the Legislature lasting for sixty days; and

WHEREAS, The Legislature has not reached its forty-fourth day of said session, and will reach the limit of sixty days on the second day of March; and

WHEREAS, On the fourth day of March the Legislature will have been in session for a period of sixty-two days, beyond which period it cannot expect to sit; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the Legislature of the State of California, composed of the Senate and Assembly, do adjourn *sine die* at midnight on the fourth day of March, Anno Domini 1899.

Have had the same under consideration, and respectfully recommend that it be laid on the table.

BETTMAN, Chairman.

The question being on the adoption of the above report.

The ayes and noes were demanded by Senators Laird, Leavitt, and Prisk.

The roll was called, and the report of the committee adopted, and Senate Concurrent Resolution No. 8 laid on the table by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Cutter, Dickinson, Feeney, Flint, Hall, Hoey, Leavitt, Luchsinger, Nutt, Rowell, Shortridge, Smith, Stratton, Trout, and Wolfe—19.

NOES—Senators Ashe, Curtin, Dwyer, Jones, Laird, La Rue, Maggard, Pace, Prisk, Simpson, and Taylor—11.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 322—An Act to amend Section 1142 of the Political Code, relating to elections.

Also: Assembly Bill No. 395—An Act to amend Section 1261 of the Political Code.

Also: Assembly Bill No. 349—An Act to amend the Penal Code by adding two new sections to Title IV thereof, relative to crimes against the elective franchise, said sections to be numbered 63 and 63½, respectively.

Also: Assembly Bill No. 430—An Act to amend Sections 3, 11, and 19 of an Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto,

and providing for the punishment thereof, approved February 23, 1893; said amendments relating to the treating, buying, or giving of any cigars, or intoxicating beverage, or any temperance beverage, to any person by a candidate for public office.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STRATTON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 19—An Act to amend Sections 1083, 1094, 1113, 1115, 1130, 1131, 1160, 1164, 1174, 1187, 1188, 1196, 1197, 1205, 1210, 1211, 1257, 1258 and 1259 of the Political Code, and to repeal Section 1228 thereof, all relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

SHORTRIDGE, Acting Chairman.

Assembly Bills Nos. 322, 395, 349, 439, and 19 ordered on special file of Assembly bills for second reading.

ON RULES AND REVISION—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following:

Resolved by the Senate, the Assembly concurring. That Joint Rule XXXVI be temporarily suspended, and that the attorneys' fees in the election contest of Leon Dennery vs. R. Porter Ashe be allowed as follows:

Frank H. Powers, as attorney for the contestant.....	\$150 00
Eugene F. Bert, as attorney for the contestant.....	150 00
H. H. McPike, as attorney for the contestee.....	100 00
A. S. Newburg, as attorney for the contestee.....	100 00
Francis J. Heney, as attorney for the contestee.....	100 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BETTMAN, Chairman.

SUSPENSION OF RULES.

On motion, the rules were suspended for the purpose of placing the above resolution on its adoption.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 9 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Dickinson, Dwyer, Feeney, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Shortridge, Simpson, Stratton, Taylor, and Wolfe—27.
 NOES—Senators Prisk, Rowell, Smith, and Trout—4.

Concurrent resolution ordered transmitted to the Assembly.

ON RULES AND REVISION—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following:

Resolved, That the Senate special urgency file be taken up each morning, immediately after reading of the Journal, for consideration, and that such consideration be had until the hour of adjournment, or until the completion of said file. That from time to time, as the consideration of the bills on the Senate urgency file shall have been practically completed, new files be made up according to alphabetical roll call of the Senators elected and present; *provided*, that said files shall alternately commence with the letter "a" and the letter "w." That the Senate third-reading file be at other times, not in conflict with any other rule, considered until finally disposed of.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BETTMAN, Chairman.

MOTIONS.

Senator Stratton moved that further consideration of above report be

made the special order immediately after reading of the Journal on Thursday, February 23, 1899.

Senator Dickinson moved to amend by making the hour for consideration of the report immediately after the consideration of the special file of Assembly bills.

Senator Leavitt moved as an amendment to the amendment that the report be re-referred to the Committee on Rules and Revision for amendment.

Senator Cutter moved as a substitute for the previous motions that the report be laid on the table.

Motion to lay on table carried.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 127—An Act to provide for the purchase of additional land for the Folsom State Prison, and making an appropriation therefor.

Also: Assembly Bill No. 159—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Also: Assembly Bill No. 34—An Act for the relief of W. C. Guirey, and to appropriate money therefor.

Also: Assembly Bill No. 274—An Act making an appropriation to pay the claim of I. H. Polk against the State of California.

Also: Assembly Bill No. 211—An Act to pay the claim of Abraham W. Rapelye against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 347—An Act to appropriate money to pay the Directors of the Deaf, Dumb, and Blind Asylum for the grading and curbing of Waring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, at Berkeley, California, which work was performed and materials furnished under contract with Guy Hyde Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

Also: Assembly Bill No. 644—An Act to amend Sections 2, 3, and 5 of an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Also: Assembly Bill No. 279—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Also: Assembly Bill No. 128—An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses incident and relating thereunto, and provide for managing the same, for the transfer of prisoners thereto, and government of the inmates thereof.

Also: Assembly Bill No. 376—An Act to provide for a free employment department, to be maintained in connection with the Bureau of Labor Statistics.

Also: Assembly Bill No. 651—An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State of California for the benefit of the United States in aiding the State volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor if successful.

Also: Assembly Bill No. 416—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered, respectively, Sections 248, 249, and 250, relating to the committees of the respective houses of the Legislature, and to the duties of the Judiciary and standing committees thereof.

Also: Assembly Bill No. 208—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 128 read first time, and referred to Committee on State Prisons and Prison Buildings.

Assembly Bill No. 127 read first time, and referred to Committee on State Prisons and Prison Buildings.

Assembly Bill No. 376 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 651 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 416 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 206 read first time, and referred to Committee on Banks and Banking.

Assembly Bill No. 347 read first time, and ordered on special file of Assembly bills for second reading without reference to committee, on motion of Senator Stratton.

Assembly Bill Nos. 159, 274, and 644 read first time, and ordered on special file of Assembly bills for second reading without reference to committee, on motion of Senator Cutter.

Assembly Bill No. 34 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 211 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 279 read first time, and referred to Committee on Finance and Claims.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Cutter asked for and was granted unanimous consent to withdraw Senate Bill No. 117—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California—and substitute therefor on file Senate Bill No. 408—An Act to amend Section 3 of an Act entitled “An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,” approved March 18, 1885—both bills having been read second time.

Senate Bill No. 117 ordered stricken from the file, and Senate Bill No. 408 ordered substituted therefor on file.

MESSAGE FROM THE ASSEMBLY.

On motion, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed Assemblymen Johnson and Caminetti as orators, for the purpose of delivering an oration commemorative of the memory of that great American statesman and the Father of Our Country, George Washington.

That said orators will deliver their orations in the Assembly Chamber this evening at eight o'clock.

That the members of your honorable body are respectfully invited to be present.

C. W. KYLE, Chief Clerk.
By H. S. WAXZER, Assistant.

MOTION.

Senator Wolfe moved that the above invitation be accepted.

Motion lost.

At eleven o'clock and forty minutes A. M., Hon. R. N. Bulla, State Senator from the Thirty-seventh Senatorial District, in the chair.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senator Simpson moved that the special urgency file be now considered.

So ordered.

Senate Bill No. 27 — An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now, or hereafter may be doing business as common carrier in this State, of any or all of the property and franchises, owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease by any such corporation, as above mentioned, of any such property or franchises, or both, which it may own, use, or hold, wholly or partially in this State.

Senator Simpson moved that the consideration of above bill be postponed until the committee substitute be printed.

So ordered.

Committee Substitute for Senate Bill No. 27 ordered printed.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate (having resumed the chair), announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 22, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cospier, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dubble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Le Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald, of Alameda, McDonald, of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenier, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—76.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Tuesday, February 21, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Tuesday, February 21, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Gillette and Taylor—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Thomas R. Bard—Senators Flint and Rowell—2.

For Irving M. Scott—Senator Davis—1.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Chapman, Curtin, and Prisk—3.

For J. J. Burnett—Senators Ashe, Braunhart, Dwyer, and La Rue—4.

For James D. Phelan—Senator Hall—1.

For W. H. Alford—Senator Pace—1.

Whole number of votes cast by Senators.....	34
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	3 votes.
J. J. Burnett received	4 votes.
James D. Phelan received	1 vote.
W. H. Alford received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.

For M. M. Estee—Mr. Wade—1.

For R. N. Bulla—Messrs. Balshaw, Boynton, Conrey, Cosper, La Barea, Miller of Los Angeles, Robinson, and Valentine—8.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—18.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Mr. Dunlap—1.

For Stephen M. White—Messrs. Cowan, Hanley, and Mack—3.

For James D. Phelan—Messrs. Burnett and Hoey—2.

For John Rosenfeld—Mr. Crowley—1.

For J. J. Burnett—Messrs. Broome, Caminetti, Fairweather, Feliz, Glenn, Griffin, Mead, Meserve, Sanford, Stewart, E. D. Sullivan, Wardell, and White—13.

For Thomas R. Bard—Mr. Greenwell—1.

Whole number of votes cast by Assemblymen	74
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	8 votes.
D. M. Burns received	18 votes.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Stephen M. White received	3 votes.
James D. Phelan received	2 votes.
John Rosenfeld received	1 vote.
J. J. Burnett received	13 votes.
Thomas R. Bard received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	108
Necessary to a choice	55
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	10 votes.
D. M. Burns received	26 votes.
U. S. Grant, Jr., received	26 votes.
Thomas R. Bard received	3 votes.
Irving M. Scott received	2 votes.
John Rosenfeld received	2 votes.
Stephen M. White received	6 votes.
J. J. Burnett received	17 votes.
James D. Phelan received	3 votes.
William H. Alford received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and twenty-seven minutes P. M., on motion of Assemblyman Wright, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Thursday, February 23, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-two minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Dwyer, Flint, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—31.

Quorum present.

Senator Braunhart moved that his proposed substitute for Senate Bill No. 27—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease, by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carriers in this State, of any or all of the property and franchises owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or of any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease, by any such corporation, as above mentioned, of any such property or franchises, or both, which it may own, use, or hold, wholly or partially, in this State—be printed.

POINT OF ORDER.

During the discussion of Senator Braunhart's motion, Senator Cutter arose and made the following point of order: "That the hour for recess had arrived, and no business could be transacted at the present time without the hour of recess having been extended."

The President pro tem. decided the point of order well taken.

RECESS.

At twelve o'clock and thirty-five minutes P. M., the hour of recess having arrived, the President pro tem. declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—33.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 400—An Act to add a new section to the Penal

Code, to be known as Section 258, relating to the publication of portraits and caricatures.

Read third time.

ANNOUNCEMENT OF PAIR.

Senator Chapman announced that he was paired with Senator Sims for this day on final vote on Assembly Bill No. 400; that Senator Sims would vote "no" on bill were he present and that he would vote "aye" on bill were he not paired.

The question being on final passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Morehouse moved a call of the Senate.

On the call of the Senate, the ayes and noes were demanded by Senators Leavitt, Morehouse, and Simpson.

The roll was called, and the call of the Senate refused by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Feeney, Hall, Leavitt, Morehouse, Simpson, and Trout—9.

NOES—Senators Braunhart, Bulla, Cutter, Davis, Dickinson, Dwyer, Gillette, Laird, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Wolfe—20.

Pending the announcement of the vote on the bill, Senator Leavitt asked the President pro tem. to rule on the question of a member refusing to vote on the passage of the bill.

Thereupon the President pro tem. read Rule XXIX of the Standing Rules of the Senate, as follows:

RULE XXIX.

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

The President pro tem. thereupon announced that Senator Chapman gave his reasons for declining to vote, and that it rested with the Senate as to whether or not he be excused from voting.

Whereupon Senator Stratton moved that Senator Chapman be excused from voting on passage of Assembly Bill No. 400 on this day.

Motion carried, and Senator Chapman was excused from voting.

The President pro tem. then announced that Assembly Bill No. 400 was refused final passage by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Curtin, Dickinson, Feeney, Hall, Leavitt, Maggard, Morehouse, Nutt, Pace, Simpson, Taylor, Trout, and Wolfe—16.

NOES—Senators Braunhart, Bulla, Cutter, Davis, Dwyer, Flint, Gillette, Jones, Laird, La Rue, Luchsinger, Prisk, Rowell, Shortridge, Smith, and Stratton—16.

NOTICE OF RECONSIDERATION.

Senator Cutter gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 400 was this day refused final passage.

Assembly Bill No. 25—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.
Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 25 finally passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Simpson, Smith, Trout, and Wolfe—21.

NOES—Senators Bettman, Boyce, Burnett, Chapman, Dwyer, Laird, Pace, Rowell, Stratton, and Taylor—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State.

Read second time, and ordered to third reading.

Assembly Bill No. 96—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens for mechanics and others upon real property.

Read second time, and ordered to third reading.

Assembly Bill No. 24—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Passed on file.

Assembly Bill No. 158—An Act to amend Sections 6, 7, and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved March 18, 1885, and an amendatory Act thereof, approved March 7, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 158 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Maggard, Morehouse, Rowell, Shortridge, Simpson, Stratton, Trout, and Wolfe—24.

NOES—Senators Boyce, Laird, Smith, and Taylor—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

At three o'clock P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Assembly Bill No. 261—An Act to amend the Penal Code by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 261 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Cutter, Dickinson, Dwyer, Feeney, Hall, Jones, Laird, La Rue, Leavitt, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Smith, Taylor, Trout, and Wolfe—23.

NOES—Senators Ashe, Burnett, Chapman, Davis, Gillette, Luchsinger, Maggard, Shortridge, and Stratton—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Laird gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 261 was this day refused final passage.

Committee Substitute for Assembly Bill No. 528—An Act to amend an Act entitled "An Act to establish a Political Code," by adding thereto a new section, to be numbered 1818c, providing for special funds for the payment of teachers' salaries in counties constituting but one school district, and defining the duties of Boards of Education, Auditors, and Treasurers in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 528 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunnhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Dwyer, Feeney, Gillette, Hall, Jones, La Rue, Leavitt, Maggard, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition in 1900. Also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Passed on file.

The hour of three o'clock and thirty minutes P. M. having arrived, the acting President declared the hour for the consideration of the special file of Assembly bills had expired.

EXPLANATION OF VOTE.

On request of Senator Bettman, the following statement was ordered printed in the Journal, as explanation of his vote on the bill referred to:

I voted against Assembly Bill No. 25 under a misapprehension. I am in favor of the bill.

SPECIAL URGENCY FILE.

Senate Bill No. 27—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease, by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carrier in this State, of any or all of the property and franchises owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease, by any such corporation, as above mentioned, of any such property or franchises, or both, which it may own, use, or hold, wholly or partially, in this State.

MOTION.

Senator Braunhart renewed his motion that his proposed substitute for the above bill be printed.

So ordered.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

Senator Shortridge asked unanimous consent to postpone until next legislative day his motion to reconsider the vote whereby Senate Bill No. 327 was refused passage, notice of which was given on yesterday.

So ordered.

At four o'clock and thirty-five minutes P. M., Hon. R. N. Bulla, State Senator from the Thirty-seventh Senatorial District, in the chair.

Senator Pace moved that Senate Bill No. 528—An Act to add a new section to the Political Code, to be known as Section 1890—be taken up for consideration.

So ordered.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Pace asked for and was granted unanimous consent to withdraw Senate Bill No. 528 and substitute on file therefor Senate Bill No. 695—An Act to amend Section 5 of an Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made, approved March 24, 1893.

Senate Bill No. 528 withdrawn and ordered stricken from file, and Senate Bill No. 695 substituted therefor on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Pace:

Resolved, That Senate Bill No. 695 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

Senator Pace moved its adoption.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Smith, Stratton, Taylor, and Wolfe—30.

NOES—Senator Boyce—1.

CASE OF URGENCY—SECOND READING OF BILL.

Senate Bill No. 695—An Act to amend Section 5 of an Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made, approved March 24, 1893.

Read second time, and considered engrossed.

Senator Laird moved that further consideration of bill be postponed until Thursday, February 23, 1899.

So ordered.

Senate Bill No. 206—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children, by the erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same.

Passed on file.

At three o'clock and forty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 440—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

During second reading of bill, the following substitute by the committee was submitted:

SUBSTITUTE FOR SENATE BILL NO. 440.

An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title XV of Part IV of Division III of the Civil Code of the State of California, relating to negotiable instruments, embracing Sections 3086 to 3262 of said Code, both inclusive, is hereby repealed.

SEC. 2. There is added to the Civil Code of the State of California, in place of said Title XV of Part IV of Division III of said Code, a new title, to be known as Title XV of Part IV of Division III of said Code, with new provisions, as follows:

TITLE XV.

NEGOTIABLE INSTRUMENTS.

- CHAPTER I. Negotiable instruments in general. [§3082-3208.]
- II. Bills of exchange. [§3209-3266.]
- III. Promissory notes and checks. [§3267-3067c.]

CHAPTER I.

NEGOTIABLE INSTRUMENTS IN GENERAL.

- ARTICLE I. General provisions. [§3082-3086.]
- II. Form and interpretation of negotiable instruments. [§3087-3108.]
- III. Consideration. [§3109-3113.]
- IV. Negotiation. [§3114-3133.]
- V. Rights of the holder. [§3134-3142.]
- VI. Liabilities of parties. [§3143-3152.]
- VII. Presentation for payment. [§3153-3171.]
- VIII. Notice of dishonor. [§3172-3201.]
- IX. Discharge of negotiable instruments. [§3202-3208.]

ARTICLE I.

GENERAL PROVISIONS.

- Section 3082. Meaning of terms.
- 3083. Reasonable time, what constitutes.
- 3084. Time, how computed; when last day falls on holiday.
- 3085. Application of title.
- 3086. Rule of law merchant, when governs.

SEC. 3082. In this title, unless the context otherwise requires:

"Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counter-claim and set-off.

"Bank" includes any person or association of persons carrying on the business of banking, whether incorporated or not.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means negotiable promissory note.

"Delivery" means transfer of possession, actual or constructive, from one person to another.

"Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

"Indorsement" means an indorsement completed by delivery.

"Instrument" means negotiable instrument.

"Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay same. All other parties are "secondarily" liable.

Sec. 3083. In determining what is a "reasonable time" or an "unreasonable time," regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case.

Sec. 3084. Where the day, or the last day, for doing any act in this title required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

Sec. 3085. The provisions of this title as amended do not apply to negotiable instruments made and delivered prior to the passage hereof.

Sec. 3086. In any case not provided for in this title the rules of the law merchant shall govern.

ARTICLE II.

FORM AND INTERPRETATION.

Section 3087. Form of negotiable instrument.

3088. Certainty as to sum; what constitutes.

3089. When promise is unconditional.

3090. Determinable future time; what constitutes.

3091. Provisions not affecting negotiability.

3092. Omissions; seal; particular money.

3093. When payable on demand.

3094. When payable to order.

3095. When payable to bearer.

3096. Terms, when sufficient.

3097. Date of instrument.

3098. Date, when may be inserted.

3099. Blanks, when may be filled.

3100. Incomplete instrument not delivered.

3101. Delivery; when effectual; when presumed.

3102. Construction where instrument is ambiguous.

3103. Liability of persons signing in trade or assumed names.

3104. Signature by agent; authority; how shown.

3105. Liability of person signing as agent.

3106. Signature by procuration; effect of.

3107. Indorsement by infant or corporation; effect of.

3108. Forged signature; effect of.

Sec. 3087. An instrument to be negotiable must conform to the following requirements:

1. It must be in writing, and signed by the maker or drawer;

2. Must contain an unconditional promise or order to pay a sum certain in money;

3. Must be payable on demand, or at a fixed or determinable future time;

4. Must be payable to order or to bearer; and,

5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

Sec. 3088. The sum payable is a sum certain within the meaning of this Act, although it is to be paid:

1. With interest; or

2. By stated installments; or

3. By stated installments, with a provision that upon default in payment of any installment or of interest, the whole shall become due; or

4. With exchange, whether at a fixed rate or at the current rate; or

5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

Sec. 3089. An unqualified order or promise to pay is unconditional within the meaning of this Act, though coupled with:

1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

Sec. 3090. An instrument is payable at a determinable future time, within the meaning of this title, which is expressed to be payable:

1. At a fixed period after date or sight; or

2. On or before a fixed or determinable future time specified therein; or

3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

SEC. 3091. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or
2. Authorizes a confession of judgment if the instrument be not paid at maturity; or
3. Waives the benefit of any law intended for the advantage or protection of the obligor; or
4. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

SEC. 3092. The validity and negotiable character of an instrument are not affected by the fact that:

1. It is not dated; or
 2. Does not specify the value given, or that any value has been given therefor; or
 3. Does not specify the place where it is drawn, or the place where it is payable; or
 4. Bears a seal; or
 5. Designates a particular kind of current money in which payment is to be made.
- But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

SEC. 3093. An instrument is payable on demand:

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or
 2. In which no time for payment is expressed.
- Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

SEC. 3094. The instrument is payable to order where it is drawn payable to the order of a specified person, or to him, or his order. It may be drawn payable to the order of:

1. A payee who is not maker, drawer, or drawee; or
2. The drawer or maker; or
3. The drawee; or
4. Two or more payees jointly; or
5. One or some of several payees; or
6. The holder of an office for the time being.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

SEC. 3095. The instrument is payable to bearer:

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer; or
3. When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or
4. When the name of the payee does not purport to be the name of any person; or
5. When the only or last indorsement is an indorsement in blank.

SEC. 3096. The instrument need not follow the language of this title, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

SEC. 3097. Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance, or indorsement, as the case may be. The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

SEC. 3098. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

SEC. 3099. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiable to a holder in due course it is valid and effectual for all purposes in his hands and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

SEC. 3100. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

SEC. 3101. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the

party making, drawing, accepting, or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

Sec. 3102. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount.

2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof.

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued.

4. Where there is conflict between the written and printed provisions of the instrument, the written provisions prevail.

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or a note, the holder may treat it as either, at his election.

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser.

7. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

Sec. 3103. No person is liable on the instrument whose signature does not appear thereon, except as in this title otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

Sec. 3104. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

Sec. 3105. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

Sec. 3106. A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

Sec. 3107. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

Sec. 3108. Where a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party against whom it is sought to enforce such right is precluded from setting up the forgery or want of authority.

ARTICLE III.

CONSIDERATION.

Section 3109. Presumption of consideration.

3110. What constitutes consideration.

3111. What constitutes holder for value.

3112. Effect of want of consideration.

3113. Liability of accommodation party.

Sec. 3109. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration, and every person whose signature appears thereon to have become a party thereto for value.

Sec. 3110. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time.

Sec. 3111. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

Sec. 3112. Absence or failure of consideration is matter of defense as against any person not a holder in due course, and partial failure of consideration is a defense pro tanto whether the failure is an ascertained and liquidated amount or otherwise.

Sec. 3113. An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

ARTICLE IV.

NEGOTIATION.

Section 3111. What constitutes negotiation.

- 3115. Indorsement; how made.
- 3116. Must be of entire instrument.
- 3117. Kinds of indorsement.
- 3118. Special indorsement; indorsement in blank; how changed.
- 3119. When indorsement restrictive.
- 3120. Effect of restrictive indorsement; rights of indorsee.
- 3121. Qualified indorsement.
- 3122. Conditional indorsement.
- 3123. Indorsement of instrument payable to bearer.
- 3124. Indorsement where payable to two or more persons.
- 3125. Effect of instrument drawn or indorsed to a person as cashier.
- 3126. Indorsement where error in name of payee or indorsee.
- 3127. Indorsement in representative capacity.
- 3128. Time of indorsement; presumption.
- 3129. Place of indorsement; presumption.
- 3130. When negotiable character ceases.
- 3131. Striking out indorsement; effect.
- 3132. Transfer without indorsement; effect of.
- 3133. Prior party negotiating instrument; effect of.

SEC. 3114. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof; if payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder, completed by delivery.

SEC. 3115. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

SEC. 3116. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsee severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

SEC. 3117. An indorsement may be either in blank or special; and it may also be either restrictive or qualified, or conditional.

SEC. 3118. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

SEC. 3119. An indorsement is restrictive which either:

1. Prohibits the further negotiation of the instrument; or
2. Constitutes the indorsee the agent of the indorser; or
3. Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

SEC. 3120. A restrictive indorsement confers upon the indorsee the right:

1. To receive payment of the instrument.
2. To bring any action thereon that the indorser could bring.
3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsee acquire only the title of the first indorsee under the restrictive indorsement.

SEC. 3121. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

SEC. 3122. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same or the proceeds thereof, subject to the rights of the person indorsing conditionally.

SEC. 3123. Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.

SEC. 3124. Where an instrument is payable to the order of two or more payees or indorsee who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

SEC. 3125. Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

SEC. 3126. Where the name of a payee or indorsee is wrongly designated or mis-

spelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature.

SEC. 3127. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

SEC. 3128. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed *prima facie* to have been effected before the instrument was overdue.

SEC. 3129. Except where the contrary appears, every indorsement is *presumed prima facie* to have been made at the place where the instrument is dated.

SEC. 3130. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

SEC. 3131. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

SEC. 3132. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferor had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferor. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

SEC. 3133. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this title, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

ARTICLE V.

RIGHTS OF THE HOLDER.

Section 3134. Right of holder to sue; payment to him.

3135. What constitutes a holder in due course.

3136. When not deemed holder in due course.

3137. Notice before full payment.

3138. When title defective.

3139. What constitutes notice of defect.

3140. Rights of holder in due course.

3141. When subject to original defenses.

3142. Who is *prima facie* holder in due course.

SEC. 3134. The holder of a negotiable instrument may sue thereon in his own name, and payment to him in due course discharges the instrument.

SEC. 3135. A holder in due course is a holder who has taken the instrument under the following conditions:

1. That it is complete and regular upon its face.

2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact.

3. That he took it for good faith and value.

4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

SEC. 3136. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

SEC. 3137. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

SEC. 3138. The title of a person who negotiates an instrument is defective within the meaning of this title when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

SEC. 3139. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

SEC. 3140. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

SEC. 3141. In the hands of any holder, other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

SEC. 3142. Every holder is deemed *prima facie* to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as holder in due course. But the last-mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

ARTICLE VI.

LIABILITIES OF PARTIES.

- Section 3143. Liability of maker.
 3144. Liability of drawer.
 3145. Liability of acceptor.
 3146. When person deemed indorser.
 3147. Liability of irregular indorser.
 3148. Warranty; where negotiation by delivery.
 3149. Liability of general indorser.
 3150. Liability of indorser where paper negotiable by delivery.
 3151. Order in which indorsers are liable.
 3152. Liability of agent or broker.

SEC. 3143. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to indorse.

SEC. 3144. The drawer, by drawing the instrument, admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

SEC. 3145. The acceptor, by accepting the instrument, engages that he will pay it according to the tenor of his acceptance; and admits:

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and
2. The existence of the payee and his then capacity to indorse.

SEC. 3146. A person placing his signature upon an instrument, otherwise than as maker, drawer, or acceptor, is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

SEC. 3147. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.
2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.
3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

SEC. 3148. Every person negotiating an instrument by delivery or by a qualified indorsement warrants:

1. That the instrument is genuine and in all respects what it purports to be.
2. That he has a good title to it.
3. That all prior parties had capacity to contract.
4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

SEC. 3149. Every indorser who indorses without qualification warrants to all subsequent holders in due course:

1. The matters and things mentioned in subdivisions one, two, and three of the next preceding section; and
2. That the instrument is at the time of his indorsement valid and subsisting.

And in addition, he engages that on due presentment it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

SEC. 3150. Where a person places his indorsement on an instrument negotiable by delivery, he incurs all the liabilities of an indorser.

SEC. 3151. As respects one another, indorsers are liable *prima facie* in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsers who indorse are deemed to indorse jointly or severally.

SEC. 3152. Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section thirty one hundred and forty-eight, unless he discloses the name of his principal, and the fact that he is acting only as agent.

ARTICLE VII.

PRESENTMENT FOR PAYMENT.

- Section 3153. Effect of want of demand on principal debtor.
3154. Presentment; instrument not payable on demand.
3155. What constitutes sufficient presentment.
3156. Place of presentment.
3157. Instrument must be exhibited.
3158. Presentment where instrument payable at bank.
3159. Presentment where principal debtor is dead.
3160. Presentment to persons liable as partners.
3161. Presentment to joint debtors.
3162. When presentment not required to change the drawer.
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3170. Rule where instrument payable at bank.
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SEC. 3153. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as in this title otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

SEC. 3154. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after it is due, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

SEC. 3155. Presentment for payment, to be sufficient, must be made:

1. By the holder, or by some person authorized to receive payment on his behalf.
2. At a reasonable hour on a business day.
3. At a proper place as herein defined.
4. To the person primarily liable on the instrument, or, if he is absent or inaccessible, to any person found at the place where the presentment is made.

SEC. 3156. Presentment for payment is made at the proper place:

1. Where a place of payment is specified in the instrument and it is there presented.
2. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and is there presented.
3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment.
4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

SEC. 3157. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

SEC. 3158. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

SEC. 3159. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative if such there be, and if, with the exercise of reasonable diligence, he can be found.

SEC. 3160. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

SEC. 3161. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

SEC. 3162. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

SEC. 3163. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented.

SEC. 3164. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

SEC. 3165. Presentment for payment is dispensed with:

1. Where, after the exercise of reasonable diligence, presentment as required by this title cannot be made.
2. Where the drawee is a fictitious person.
3. By waiver of presentment, express or implied.

SEC. 3166. The instrument is dishonored by non-payment when:

1. It is duly presented for payment and payment is refused or cannot be obtained; or
2. Presentment is excused, and the instrument is overdue and unpaid.

SEC. 3167. Subject to the provisions of this title, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon, accrues to the holder.

SEC. 3168. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday, when that entire day is not a holiday.

SEC. 3169. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

SEC. 3170. Where the instrument is made payable at a bank, it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

SEC. 3171. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

ARTICLE VIII.

NOTICE OF DISHONOR.

Section 3172.	To whom notice of dishonor must be given
3173.	By whom given.
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3175.	Effect of notice on behalf of holder.
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3178.	Sufficiency of notice.
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3194.	Waiver of protest.
3195.	When notice dispensed with.
3196.	Delay in giving notice, how excused.
3197.	When notice need not be given to drawer.
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3199.	Notice of non-payment where acceptance refused.
3200.	Effect of omission to give notice of non-acceptance.
3201.	Protest, when required.

SEC. 3172. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

SEC. 3173. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who upon taking it up would have a right to reimbursement from the party to whom the notice is given.

SEC. 3174. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

SEC. 3175. Where notice is given by or on behalf of the holder, it inures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

SEC. 3176. Where notice is given by or on behalf of a party entitled to give notice, it inures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

SEC. 3177. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

SEC. 3178. A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

SEC. 3179. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails.

SEC. 3180. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

SEC. 3181. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

SEC. 3182. Where the parties to be notified are partners, notice to any one partner is notice to the firm, even though there has been a dissolution.

SEC. 3183. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

SEC. 3184. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

SEC. 3185. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this title.

SEC. 3186. Where the person giving and the person to receive notice reside in same place, notice must be given within the following times:

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following;

2. If given at his residence, it must be given before the usual hours of rest on the day following;

3. If sent by mail, it must be deposited in the post office in time to reach him in the usual course on the day following.

SEC. 3187. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

1. If sent by mail, it must be deposited in the post office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the post office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post office within the time specified in the last subdivision.

SEC. 3188. Where notice of dishonor is duly addressed and deposited in the post office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

SEC. 3189. Notice is deemed to have been deposited in the post office when deposited in any branch post office, or in any letter box under the control of the post office department.

SEC. 3190. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties, that the holder has after the dishonor.

SEC. 3191. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he is not given such address, then the notice must be sent as follows:

1. Either to the post office nearest his place of residence, or to the post office where he is accustomed to receive his letters; or

2. If he lives in one place and have his place of business in another, notice may be sent to either place; or

3. If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this title, it will be sufficient, though not sent in accordance with the requirements of this section.

SEC. 3192. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

SEC. 3193. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

SEC. 3194. A waiver of protest, whether in the case of a foreign bill of exchange, or other negotiable instrument, is deemed to be a waiver, not only of a formal protest, but also of presentment and notice of dishonor.

SEC. 3195. Notice of dishonor is dispensed with, when, after the exercise of reasonable diligence, it cannot be given to, or does not reach, the parties sought to be charged.

SEC. 3196. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

SEC. 3197. Notice of dishonor is not required to be given to the drawer in either of the following cases:

1. Where the drawer and drawee are the same person.

2. When the drawee is a fictitious person, or a person not having capacity to contract.

3. When the drawer is the person to whom the instrument is presented for payment.
4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument.

5. Where the drawer has countermanded payment.

SEC. 3199. Notice of dishonor is not required to be given to an indorser in either of the following cases:

1. Where the drawee is a fictitious person, or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument.

2. Where the indorser is the person to whom the instrument is presented for payment.

3. Where the instrument was made or accepted for his accommodation.

SEC. 3199. Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

SEC. 3200. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

SEC. 3201. Where any negotiable instrument has been dishonored, it may be protested for non-acceptance, or non-payment, as the case may be; but protest is not required except in the case of foreign bills of exchange.

ARTICLE IX.

DISCHARGE OF NEGOTIABLE INSTRUMENTS.

Section 3202. Instrument; how discharged.

3203. When persons secondarily liable, discharge.

3204. Right of party who discharged instrument.

3205. Renunciation by holder.

3206. Cancellation; unintentional; burden of proof.

3207. Alteration of instrument.

3208. What is a material alteration.

SEC. 3202. A negotiable instrument is discharged:

1. By payment in due course by or on behalf of the principal debtor.

2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation.

3. By the intentional cancellation thereof by the holder.

4. By any other act which will discharge a simple contract for the payment of money.

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

SEC. 3203. A person secondarily liable on the instrument is discharged:

1. By any act which discharges the instrument.

2. By the intentional cancellation of his signature by the holder.

3. By the discharge of a prior party.

4. By a valid tender of payment made by a prior party.

5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved.

6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

SEC. 3204. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

1. Where it is payable to the order of a third person, and has been paid by the drawer; and

2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

SEC. 3205. The holder may expressly renounce his rights against any party to the instrument before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

SEC. 3206. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been canceled, the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

SEC. 3207. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized, or assented to the alteration and subsequent indorsers. But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

SEC. 3208. Any alteration which changes:

1. The date.

2. The sum payable, either principal or interest.

3. The time or place of payment.

4. The number or the relations of the parties.

5. The medium or currency in which payment is to be made.

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

CHAPTER II.

BILLS OF ACCEPTANCE.

ARTICLE I. Form and Interpretation. [§3209-3214.]

- II. Acceptance. [§3215-3225.]
- III. Presentment for acceptance. [§3226-3234.]
- IV. Protest. [§3235-3243.]
- V. Acceptance for honor. [§3244-3253.]
- VI. Payment for honor. [§3254-3261.]
- VII. Bills in a set. [§3262-3266.]

ARTICLE I.

FORM AND INTERPRETATION.

Section 3209. Bills of exchange defined.

- 3210. Where an assignment of funds in hands of drawee.
- 3211. Bill addressed to more than one drawee.
- 3212. Inland and foreign bills of exchange.
- 3213. When bill may be treated as promissory note.
- 3214. Referee in case of need.

SEC. 3209. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer.

SEC. 3210. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

SEC. 3211. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

SEC. 3212. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this State. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

SEC. 3213. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

SEC. 3214. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

ARTICLE II.

ACCEPTANCE.

Section 3215. Acceptance, how made.

- 3216. Holder entitled to acceptance on bill.
- 3217. Acceptance by separate instrument.
- 3218. Promise to accept, when equivalent to acceptance.
- 3219. Time allowed drawee to accept.
- 3220. Liability of drawee retaining or destroying bill.
- 3221. Acceptance of incomplete bill.
- 3222. Acceptance either general or qualified.
- 3223. What constitutes a general acceptance.
- 3224. Qualified acceptance.
- 3225. Rights of parties on qualified acceptance.

SEC. 3215. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

SEC. 3216. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and if such request is refused, may treat the bill as dishonored.

SEC. 3217. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown, and who, on the faith thereof, receives the bill for value.

SEC. 3218. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

SEC. 3219. The drawee is allowed twenty four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as of the day of presentation.

SEC. 3220. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

Sec. 3221. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

Sec. 3222. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

Sec. 3223. An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere.

Sec. 3224. An acceptance is qualified, which is:

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated.

2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn.

3. Local, that is to say, an acceptance to pay only at a particular place.

4. Qualified as to time.

5. The acceptance of some one or more of the drawees, but not of all.

Sec. 3225. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto.

ARTICLE III.

PRESENTMENT.

Section 3226. Presentment; when must be made.

3227. When failure to present releases drawer and indorser.

3228. Presentment; how made.

3229. On what days presentment may be made.

3230. Presentment; where time is insufficient.

3231. When presentment is excused.

3232. When dishonored by non-acceptance.

3233. Duty of holder where bill not accepted.

3234. Rights of holder where bill not accepted.

Sec. 3226. Presentment for acceptance must be made:

1. Where the bill is payable after sight, or in any other case, where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

2. Where the bill expressly stipulates that it shall be presented for acceptance; or

3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

Sec. 3227. Except as in this title otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged.

Sec. 3228. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day, and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and:

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has a authority to accept or refuse acceptance for all, in which case presentment may be made to him only.

2. Where the drawee is dead, presentment may be made to his personal representative.

3. Where the drawee has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

Sec. 3229. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections thirty-one hundred and fifty-five and thirty-one hundred and sixty-eight of this title. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock, noon, on that day.

Sec. 3230. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time, with the exercise of reasonable diligence, to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

Sec. 3231. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases:

1. Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill.

2. Where after the exercise of reasonable diligence, presentment cannot be made.

3. Where although presentment has been irregular, acceptance has been refused on some other ground.

SEC. 3232. A bill is dishonored by non-acceptance:

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this title is refused or cannot be obtained; or

2. When a presentment for acceptance is excused and the bill is not accepted.

SEC. 3233. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers.

SEC. 3234. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary.

ARTICLE IV.

PROTEST.

Section 3235. In what cases protest necessary.

3236. Protest; how made.

3237. Protest; by whom made.

3238. Protest; when to be made.

3239. Protest; where made.

3240. Protest; both for non-acceptance and non-payment.

3241. Protest before maturity where acceptor insolvent.

3242. Protest; when dispensed with.

3243. Protest; where bill is lost or detained.

SEC. 3235. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill had not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest in case of dishonor is unnecessary.

SEC. 3236. The protest must be annexed to the bill, or must contain a copy thereof; and must be under the hand and seal of the notary making it, and must specify:

1. The time and place of presentment.

2. The fact that presentment was made and the manner thereof.

3. The cause or reason for protesting the bill.

4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

SEC. 3237. Protest may be made by:

1. A notary public; or

2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

SEC. 3238. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as in this title provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

SEC. 3239. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

SEC. 3240. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

SEC. 3241. Where the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

SEC. 3242. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

SEC. 3243. Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ARTICLE V.

ACCEPTANCE FOR HONOR.

Section 3244. When bill may be accepted for honor.

3245. Acceptance for honor; how made.

3246. When deemed to be an acceptance for honor of the drawer.

3247. Liability of acceptor for honor.

3248. Agreement of acceptor for honor.

3249. Maturity of bill payable after sight; accepted for honor.

3250. Protest of bill accepted for honor.

3251. Presentment for payment to acceptor for honor; how made.

3252. When delay in making presentment is excused.

3253. Dishonor of bill by acceptor for honor.

SEC. 3244. When a bill of exchange has been protested for dishonor by non-acceptance or protested for better security, and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the

bill *supra* protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

SEC. 3245. An acceptance for honor *supra* protest must be in writing, and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

SEC. 3246. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

SEC. 3247. The acceptor for honor is liable to the holder, and to all parties to the bill subsequent to the party for whose honor he has accepted.

SEC. 3248. The acceptor for honor by such acceptance engages that he will, on due presentment, pay the bill according to the terms of his acceptance; *provided*, it shall not have been paid by the drawee; and *provided also*, that it shall have been duly presented for payment and protested for non-payment, and notice of dishonor given to him.

SEC. 3249. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance, and not from the date of the acceptance for honor.

SEC. 3250. Where a dishonored bill has been accepted for honor *supra* protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

SEC. 3251. Presentment for payment to the acceptor for honor must be made as follows:

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity.

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section thirty-one hundred and eighty-seven.

SEC. 3252. The provisions of section thirty-one hundred and sixty-four apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

SEC. 3253. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

ARTICLE VI.

PAYMENT FOR HONOR.

Section 3254. Who may make payment for honor.

3255. Payment for honor; how made.

3256. Declaration before payment.

3257. Preference of parties offering to pay.

3258. Effect on subsequent parties where bill is paid for honor.

3259. Where holder refuses to receive payment *supra* protest.

3260. Rights of payer for honor.

SEC. 3254. Where a bill has been protested for non-payment, any person may intervene and pay it *supra* protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

SEC. 3255. The payment for honor *supra* protest, in order to operate as such and not as a mere voluntary payment, must be attested by a notarial act of honor which may be appended to the protest or form an extension to it.

SEC. 3256. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

SEC. 3257. Where two or more persons offer to pay a bill for the honor of different parties the person whose payment will discharge most parties to the bill is to be given the preference.

SEC. 3258. Where a bill has been paid for honor all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

SEC. 3259. Where the holder of a bill refuses to receive payment *supra* protest, he loses his right of recourse against any party who would have been discharged by such payment.

SEC. 3260. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

ARTICLE VII.

BILLS IN A SET.

Section 3261. Bills in sets constitute one bill.

3262. Rights of holders where different parts are negotiated.

3263. Liability of holder who indorses two or more parts of a set to different persons.

3264. Acceptance of bills drawn in sets.

3265. Payment by acceptor of bills drawn in sets.

3266. Effect of dishonoring one of a set.

SEC. 3261. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitutes one bill.

SEC. 3262. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of

the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

SEC. 3263. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

SEC. 3264. The acceptance may be written on any part, and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

SEC. 3265. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

SEC. 3266. Except as in this title otherwise provided, where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

CHAPTER III.

PROMISSORY NOTES AND CHECKS.

Section 3267. Promissory note defined.

3267a. Check defined.

3267b. Within what time a check must be presented.

3267c. Certification of check; effect of.

3267d. Effect where holder of check procures it to be certified.

3267e. When check operates as an assignment.

SEC. 3267. A negotiable promissory note within the meaning of this title is an unconditional promise in writing made by one person to another, signed by the maker, engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to order, or to bearer. Where a note is drawn to the maker's own order it is not complete until indorsed by him.

SEC. 3267a. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this title applicable to a bill of exchange payable on demand apply to a check.

SEC. 3267b. A check must be presented for payment within a reasonable time after its issue, or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

SEC. 3267c. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

SEC. 3267d. Where the holder of a check procures it to be accepted, or certified, the drawer and all indorsers are discharged from liability thereon.

SEC. 3267e. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

Substitute read and adopted.

Bill read second time, and ordered to engrossment.

Senate Bill No. 29—An Act to establish the California Polytechnic School in the County of San Luis Obispo, California, and making an appropriation therefor.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 29 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 536—An Act to add a new section to the Political Code of the State of California, to be numbered 1118, relating to registration.

During the second reading of bill, the following amendments were offered by Senator Stratton:

Amend by striking out of Section 1, line 4, printed bill, the words "the County Clerk," and inserting in lieu thereof the words "any officer."

Amendment adopted.

Also: Amend by striking out of Section 1, line 9, printed bill, the words "the County Clerk," and inserting in lieu thereof the words "such officer."

Amendment adopted.

Also: Amend by striking out of Section 1, lines 13, 14, 15, 16, 17, 18, and 19, printed bill, the words "assistance for the County Clerk, at such time and for such compensation as they shall from time to time determine. Such registration shall be had and made under the control and direction of the County Clerk, but by persons appointed by such Board of Supervisors, and at such compensation as they may determine. The expenses of such registration shall be a county charge and it shall be paid out of the county treasury," and inserting in lieu thereof the following: "the necessary number of persons needed to properly attend to the registration of voters, and to prepare registers, indexes and other records, necessary for the proper conduct of elections, which said persons so employed shall be under the control and direction of the County Clerk, and at such compensation as the said Board of Supervisors may determine. The expenses of such registration shall be a county charge, and shall be paid out of the county treasury."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 411—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

Read second time, and considered engrossed.

Read third time.

SPECIAL ORDER SET.

Senator Boyce moved that further consideration of special urgency file be made the special order for consideration this evening immediately after the special order now set.

So ordered.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Committee Substitute for Senate Bill No. 313—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be known and numbered as Section 364 thereof, relating to corporations.

Senate Bill No. 444—An Act in relation to municipal elections where the same are held separate from general state elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of section 8 of Article XI of the Constitution," approved March 31, 1897.

Senate Bill No. 215—An Act for the relief of Julius A. Holt, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service.

Substitute for Senate Bill No. 227—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891 and regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder.

JONES, Chairman.

Senate Bills Nos. 320, 444, and 215, Committee Substitute for Senate Bill No. 313, and Substitute for Senate Bill No. 227 ordered on file for third reading.

RECESS.

At four o'clock and thirty minutes P. M., on motion of Senator Dick-

inson, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Smith, Stratton, Trout, and Wolfe—31.

Quorum present.

LEAVE OF ABSENCE.

Senator Maggard was granted leave of absence for the evening, on motion of Senator Trout.

Senator Simpson was granted leave of absence for the evening, on motion of Senator Bettman.

SPECIAL ORDER.

The consideration of Senate Bill No. 63 having been set as a special order for this hour, the bill was taken up for consideration.

THIRD READING OF BILL.

Senate Bill No. 63—An Act to amend Section 1227 of the Civil Code of the State of California.

Read third time.

At eight o'clock and forty minutes P. M., the Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

At eight o'clock and fifty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, resumed the chair.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

At nine o'clock and thirty minutes P. M., pending the announcement of the vote, Senator Cutter moved a call of the Senate.

So ordered.

Whereupon the President pro tem. ordered the Sergeant-at-Arms to close the doors.

The doors were closed.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Stratton, Taylor, Trout, and Wolfe—31.

The Secretary was directed to furnish the Sergeant-at-Arms with the names of the Senators absent without leave.

The Secretary announced that Senators Langford, Shortridge, and Smith were the Senators absent without leave, and thereupon furnished the Sergeant-at-Arms with their names.

The President pro tem. ordered the Sergeant-at-Arms to bring to the bar of the Senate the aforementioned absentees.

At nine o'clock and thirty-four minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Shortridge.

Senator Shortridge was excused for his absence, on motion of Senator Bettman.

At nine o'clock and forty minutes P. M., the call of the Senate was dispensed with, on motion of Senator Dickinson.

The doors were opened.

On motion of Senator Morehouse, the names of the absentees were called.

The President pro tem. thereupon announced that Senate Bill No. 63 was passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Dwyer, Feeney, Hall, Hoey, Jones, Leavitt, Morehouse, Nutt, Shortridge, Stratton, Taylor, Trout, and Wolfe—22.

NOES—Senators Boyce, Curtin, Flint, Gillette, Laird, La Rue, Luchsinger, Pace, Prisk, Rowell, and Smith—11.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Davis gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 63 was this day passed.

CONTINUATION OF SPECIAL ORDERS—CONSIDERATION OF URGENCY FILE.

Senate Bill No. 414—An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution.

The bill having been previously read third time, the question was on its passage.

The roll was called, and Senate Bill No. 414 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hoey, Laird, Leavitt, Luchsinger, Morehouse, Prisk, Stratton, Taylor, Trout, and Wolfe—22.

NOES—Senators Braunhart, Hall, Jones, La Rue, Nutt, Rowell, and Smith—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362—An Act to establish a camp of instruction for the National Guard of the State of California, and to authorize the acquisition, by donation, of a site for the same.

During the second reading of bill, the following amendment was submitted by the committee:

Add after the word "therefrom," in line 9, of Section 2, the words "if in their judgment practicable."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

During the second reading of bill, the following amendments were submitted by the committee:

Amend line 17 of printed bill, Section 2, page 2, by striking out the words "such estab-

lishment," and inserting in lieu thereof "a store, dispensary, pharmacy, laboratory, or office for the sale, dispensing, or compounding of drugs, medicines, or chemicals for medicinal use, or for the dispensing of prescriptions of medical practitioners."

Amendment adopted.

Also: Insert between line 23 and the words "Sec. 2," page 2, the following: "Section 2 of said Act is amended to read as follows."

Amendment adopted.

Also: In Section 2, page 2, line 2, strike out the words "a graduate of pharmacy."

Amendment adopted.

Also: In Section 3, page 2, strike out as follows: Commencing with the word "graduate," on line 3, and all thereafter down to and including the word "pharmacist," on line 8 of said Section 3.

Amendment adopted.

Also: In Section 3, page 2, insert after the word "are," at the end of line 14, the words "registered pharmacists," and strike out all of lines 15 and 16 and down to and including the word "poisons" in line 17.

Amendment adopted.

Also: In Section 4, page 2, strike out the following:
"Sec. 4. Section 4 of said Act is amended to read as follows."

Amendment adopted.

Also: In Section 4, page 3, line 13, strike out the words "nineteen hundred," and insert in lieu thereof the words "eighteen hundred and ninety-two."

Amendment adopted.

Also: In Section 5, page 3, strike out the following:
"Sec. 5. Section five of said Act is amended to read as follows."

Amendment adopted.

Also: In Section 5, page 3, line 12, strike out the words "nineteen hundred," and insert in lieu thereof the following: "Eighteen hundred and ninety-two."

Amendment adopted.

Also: In Section 6, page 3, line 2, strike out all of line 2, commencing with the word "within," and all thereafter down to and including the word "act," on line 3, and insert in lieu thereof the following: "At the expiration of the term of the present Board of Pharmacy."

Amendment adopted.

Also: In Section 11, page 7, line 11, strike out the words, "registered pharmacist" and insert in lieu thereof the word "person."

Amendment adopted.

Also: In Section 11, page 7, line 12, strike out the word "and" and insert in lieu thereof the word "or."

Amendment adopted.

Also: In Section 11, page 7, line 14, strike out the word "persons" and insert in lieu thereof the word "a" between the words "of" and "registered" and after the word "registered," and in lieu of said word "persons" insert the word "pharmacist."

Amendment adopted.

Also: In Section 11, page 7, line 16, insert after the word "poisons" the following: "or chemicals for medicinal use."

Amendment adopted.

Also: In Section 11, page 7, line 18, strike out the word "registered."

Amendment adopted.

Also: In Section 12, page 8, add to Schedule "B" after the word "almonds," on line 15, the following: "and all medicines or preparations, secret or proprietary, of whatsoever kind or nature that are intended to cause abortion or miscarriage."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

ADJOURNMENT.

At ten o'clock P. M., on motion of Senator Cutter, the Senate was declared adjourned until ten o'clock A. M. of Thursday, February 23, 1899.

IN SENATE.

SENATE CHAMBER,
Thursday, February 23, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hair, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, February 22, 1899, was read.

The Journal of Saturday, February 18, 1899, was approved.

The Journal of Monday, February 20, 1899, was approved.

PETITION.

Senator Stratton presented the following petition, which was read and ordered printed in the Journal:

To the Senate and Assembly of the Legislature of California:

We, whose names are subscribed, are Chinese Christians, living in the City of Oakland, California. We are not permitted to be citizens, and so cannot vote; but, as other Christians, we believe that God's law of the Fourth Commandment should be law in the State, and therefore unite with them in asking your honorable bodies to enact a Sabbath law that will prohibit all unnecessary secular labor and business, and all public sports and amusements inconsistent with the sanctity of the day, and that at the same time will secure the necessary weekly rest to all classes of weary toilers.

(Signed:) Len Yeu, Gin Gang, Gin Nam, Gin Ying, Hum Kan, Lew Soon, Jee Eck, Chow Soon, Ng Joe, Lee Ling, Fong Won, Mark Tom, Jim Pond, Henry Lee, and Chin Hung.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 699—An Act providing what imprint shall be placed on bills, placards, posters, pamphlets, and other printed matter having reference to an election or to any candidate, and providing a punishment for a violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STRATTON, Chairman.

Senate Bill No. 699 ordered on file for second reading.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred the following resolution:

"Resolved, That when a substitute for a bill be offered by a committee or member of the Senate at any time previous to second reading, it shall immediately be sent to printer."

Have had the same under consideration, and respectfully report back, and recommend that said resolution be amended so as to read as follows:

"Resolved, That when a substitute for a bill be offered by a committee or by the author of any such bill pending in the Senate at any time previous to second reading, such substitute shall immediately be sent to the printer."

And that as so amended said resolution be adopted.

BRETTMAN, Chairman.

The question being on the adoption of the report.

The same was put, and report of committee and amended resolution adopted.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 393—An Act to secure to native born and naturalized citizens of the United States the exclusive right to labor on public works in this State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Assembly Bill No. 393 ordered on special file of Assembly bills for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom were referred the following resolutions:

Resolved, That the sum of \$26 08 be and the same is hereby appropriated out of the Contingent Fund of the Senate and payable to the Postal Telegraph Company, for telegram to Washington, D. C., as per bill attached hereto, as per order of the Senate. The Controller is authorized to draw his warrant in favor of the Postal Telegraph Company, and the Treasurer is directed to pay same.

Feb. 4—Telegram to Hon. G. C. Perkins and Hon. S. G. Hilborn, Washington, D. C...\$26 08

Also:

Resolved, That the sum of \$29 64 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to the Postal Telegraph Company, for telegram forwarded to Colonel James T. Smith, Manila, as per order of the Senate.

The Controller is authorized to draw his warrant in favor of the Postal Telegraph Company for the above-mentioned amount, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

Report read.

The question being on the adoption of the report.

The roll was called, and report and accompanying resolutions adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Burnett, Cutter, Davis, Dwyer, Flint, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—27.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 49—An Act to amend Sections 1083, 1094, 1095, 1096, 1097, 1103, 1105, 1113, 1115, 1116, 1130, 1204, and 1261, and to repeal Sections 1098, 1099, 1100, 1101, and 1114 of the Political Code.

Also: Senate Bill No. 211—An Act making an appropriation to pay the claim of Thomas Hatch.

Also: Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

Also: Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 30—An Act adding fifteen new sections to the Political Code, to be numbered, consecutively, 1365, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections.

And report that the same have been correctly enrolled and presented the same to the Governor on this 23d day of February, 1899, at nine o'clock and fifty-five minutes A. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly engrossed Substitute for Senate Bill No. 449—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

Also: Senate Bill No. 536—An Act to add a new section to the Political Code of the State of California, to be numbered 1118, relating to registration.

Also: Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases.

Also: Senate Bill No. 300—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements by the Managers of the Napa State Hospital, at Napa, and appropriating money therefor.

Also: Senate Bill No. 22—An Act to create the Harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the Harbor of Oakland, to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties, and jurisdiction, fixing their terms, salaries, and their bonds, and providing how vacancies shall be filled; providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collectors, and other employes, and providing for the manner of their appointment, and defining their duties and fixing their tenure of office; providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board or employes a misdemeanor, and providing a penalty of a fine not to exceed \$300, or imprisonment not exceeding one hundred days, as a punishment therefor, and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing a punishment therefor of a fine, etc., etc.

JONES, Chairman.

Senate Bills Nos. 536, 339, 300, and 22, and Substitute for Senate Bill No. 440, ordered on file for third reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 496—An Act for the relief of Hugo Duveneck, executor of the last will of Sigmund M. Thannhauser, deceased, for moneys paid through error by him as a tax on certain collateral bequests provided for in said will.

Also: Senate Bill No. 612—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture as instructress and silk expert.

Also: Senate Bill No. 622—An Act making an appropriation to pay the contingent expenses of the Commissioners for the Revision and Reform of the Law, for the forty-eighth, forty-ninth, and fiftieth fiscal years.

Also: Senate Bill No. 623—An Act to appropriate the sum of \$81 18 to pay the claim of C. A. Williams, for money due and owing to the said C. A. Williams from the State of California.

Also: Senate Bill No. 624—An Act to appropriate the sum of \$200 to pay the claim of Scott Calhoun, for money due and owing the said Scott Calhoun from the State of California.

Also: Senate Bill No. 625—An Act to appropriate the sum of \$21 50 to pay the claim of M. G. Barrett, for money due and owing the said M. G. Barrett from the State of California.

Also: Assembly Bill No. 39—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the concrete guttering, culverting and macadamizing of Waring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, at Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street laws of this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 465—An Act to pay the claim of William Henry Murray against the State of California, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that our report of February 15, 1899, be changed to read, "do pass."

Also: Senate Bill No. 26—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 24—An Act to amend Sections 2, 3, 4, 5, 8, 9, and 12; and to repeal Section 11 of an Act entitled "An Act to establish a standard of weights and measures," approved April 6, 1891.

Also: Senate Bill No. 61—An Act for the relief of district agricultural associations or district agricultural societies, and appropriating the sum of \$75,000 for such purpose.

Also: Senate Bill No. 184—An Act to pay the claim of Thomas Grace against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 185—An Act to pay the claim of Patrick Carroll against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 186—An Act to pay the claim of the Dutch Flat Public School District, and the trustees thereof, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 187—An Act to pay the claim of Mrs. J. Uren against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 188—An Act to pay the claim of the Methodist Episcopal Church of Dutch Flat, California, and the trustees thereof, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act to pay the claim of W. P. Sowden against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 190—An Act to pay the claim of Thomas Flaridon against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 370—An Act to create the office of Expert for the State of California.

Also: Senate Bill No. 475—An Act to pay the claim of the Liverpool and London and Globe Insurance Company against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 619—An Act making an appropriation to pay for the providing of additional committee rooms in the attic of the State Capitol, and requiring that the work be done under the direction of the Secretary of State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass this session.

Also: Assembly Bill No. 108—An Act to provide for the purchase of a portrait of ex-Governor James H. Budd by the State Board of Examiners, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be returned to Assembly, a similar bill having been favorably acted upon by the Senate, Assembly, and Executive.

DICKINSON, Chairman.

Senate Bills Nos. 496, 612, 622, 623, 624, 625, 26, 24, 61, 184, 185, 186, 187, 188, 189, 190, 370, 475, and 619 ordered on file for second reading.

Assembly Bill No. 39 ordered on special file of Assembly bills for second reading.

Assembly Bill No. 108 ordered returned to the Assembly, and the Secretary directed to prepare a message to the Assembly in relation thereto, setting forth the facts as reported by committee.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 517—An Act to amend Section 876 of an Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883.

Also: Senate Bill No. 555—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Sections 852, 862, 874, and 875 thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 441—An Act to amend Section 7 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Senate Bill No. 596—An Act to provide for the laying out, opening, grading, sewerage, curbing, macadamizing, or paving and sidewalk streets within municipalities or cities of five thousand inhabitants or over, and to condemn and acquire any and all lands necessary for that purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 556—An Act to authorize counties, cities and counties, cities, or towns to pay the fees and compensations provided by law to be paid to any officer or person charged with the duty of performing such services, when the same have been performed, and compensation by misconstruction or mistake of law, without such claimant's fault, has been denied him.

Also: Senate Bill No. 585—An Act to enable cities of the third class to issue fiscal year bonds for the purpose of providing for the payment of municipal expenses before the collection of taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by the committee.

Also: Senate Bill No. 534—An Act to enable cities of the third class to issue fiscal year bonds, for the purpose of providing money for the payment of municipal expenses before the collection of taxes—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same, it being identical with Senate Bill No. 585.

TAYLOR, Chairman.

Senate Bills Nos. 517, 555, 596, 556, and 585 ordered on file for second reading.

Assembly Bill No. 441 ordered on special file of Assembly bills for second reading.

WITHDRAWAL OF BILL.

Senator Taylor asked for and was granted unanimous consent to withdraw Senate Bill No. 534.

Senate Bill No. 534 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 658—An Act to amend Section 1764 of the Code of Civil Procedure, relating to the appointment of guardians of insane and incompetent persons.

Also: Senate Bill No. 671—An Act to amend Section 1884 of the Code of Civil Procedure, relating to interpreters.

Also: Assembly Constitutional Amendment No. 14—Amending the Constitution by adding a new section to Article IX, relative to exempting certain property from taxation.

Also: Assembly Bill No. 33—An Act to authorize agricultural societies to borrow money and secure the payment of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 566—An Act to create a State Board of Control, and to provide for the management and control of the charitable, reformatory, and penal institutions of the State, other than State prisons, and to provide for supervisory powers over said State institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor—have had the same under consideration, and respectfully report the same back as amended by the committee, without recommendation.

Also: Senate Bill No. 17—An Act to amend Section 3546 and Section 3547 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

Also: Senate Bill No. 367—An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto.

Also: Senate Bill No. 646—An Act authorizing the payment of compensation or commission to persons employed by the State Controller and Attorney-General or by Boards of Supervisors of the different counties to collect delinquent State and county taxes, and legalizing all payments made for that purpose.

Also: Senate Bill No. 659—An Act to repeal Sections 3824 and 3825 of the Political Code, relating to collection of taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 4—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systemizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor"—have had the same under consideration, and respectfully report the same back, with an accompanying committee substitute, without recommendation, and ask that it be printed forthwith under the rule.

Also: Senate Bill No. 675—An Act creating a commission to make an investigation and report upon the subject of reform in State taxation, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass; that it take its place on the file, and be referred to Committee on Finance and Claims.

GILLETTE, Chairman.

Senate Bills Nos. 658, 671, 566, 17, 367, 646, and 659 ordered on file for second reading.

Senate Bill No. 4 ordered on file for second reading, and committee substitute to print.

Senate Bill No. 675 ordered on file for second reading, and referred to Committee on Finance and Claims.

Assembly Bill No. 33 ordered on special file of Assembly bills for second reading.

Assembly Constitutional Amendment No. 14 ordered on special file of Assembly bills.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on February 20, 1899, passed Assembly Bill No. 411—An Act authorizing the Secretary of State to furnish his office and the vault connected therewith, and making an appropriation therefor.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 411 read first time, and referred to Committee on Finance and Claims.

RESOLUTION.

Senator Boyce offered the following resolution, and moved its adoption:

Resolved, That the Public Printer be and he is hereby directed to print five hundred (500) extra copies of Committee Substitute for Senate Bill No. 36.

Resolution read and adopted.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Bulla asked for and was granted unanimous consent to withdraw Senate Bill No. 152—An Act supplemental to an Act entitled "An

Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease—and substitute therefor on file Senate Bill No. 336—An Act to amend Section 592 of the Penal Code of the State of California.

Senate Bill No. 152 ordered stricken from the file, and Senate Bill No. 336 ordered substituted therefor on file.

Senator Bulla asked for and was granted unanimous consent to withdraw Senate Bill No. 257—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor—and substitute on file therefor Committee Substitute for Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California.

Senate Bill No. 257 withdrawn and ordered stricken from file, and Committee Substitute for Senate Bill No. 337 substituted therefor on file.

Senator Cutter asked for and was granted unanimous consent to withdraw Senate Bill No. 74—An Act to amend Section 456 of the Civil Code—and substitute therefor on file Senate Constitutional Amendment No. 9—Proposed amendment to Article VI of the Constitution, relative to the compensation of Supreme and Superior Court Judges.

Senate Bill No. 74 ordered stricken from the file, and Senate Constitutional Amendment No. 9 ordered substituted therefor on file.

MOTION.

Senator Davis moved that the Senate urgency file be now considered. So ordered.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 487—An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653½, relating to the fees charged by employment agencies.

Passed on file.

Senate Bill No. 53—An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 53 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Morehouse, Nutt, Pace, Rowell, Simpson, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Pace moved that Senate Bill No. 695 be now considered.

So ordered.

Senate Bill. No. 695—An Act to amend Section 5 of "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.

Read third time.

Senator Gillette moved that Senator Prisk be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 19, the word "three," and all of line 20, and inserting the following words in lieu thereof: "one hundred and sixty acres."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 695—An Act to amend Section 5 of "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893—with instructions to amend, respectfully reports the same back, amended as per instructions.

PRISK, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

MOTION.

Senator Cutter moved that the bill be denied second reading.

DECISION OF THE CHAIR.

The question arose as to the number of votes necessary to deny a bill second reading.

The President pro tem. announced that, although a former ruling by himself called for a majority of those of the members elected, he would now rule that only a majority vote of those present and voting would be necessary to deny a bill second or third reading.

OUT OF ORDER.

The motion of Senator Cutter was declared out of order, as the bill had been partially read second time on a previous day.

At eleven o'clock and thirty minutes P. M., Hon. R. N. Bulla, State Senator from the Thirty-seventh Senatorial District, in the chair.

During the second reading of bill, the following substitute was offered by Senator Ashe:

SUBSTITUTE FOR SENATE BILL No. 419.

An Act to add a new section to the Penal Code, to be numbered 331½.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be numbered Section 331½, to read as follows:

Section 331½. It shall be unlawful for any person, corporation, club, or association to permit the racing or running of horses, mares, or geldings, or to permit, carry, or conduct any race-meeting or contest of skill, speed, or power of endurance of horses, mares,

or geldings for any purse, stake, or reward, for any period greater than sixty days in any one year upon any one racetrack belonging to, leased, controlled, or conducted by such person, corporation, club, or association in this State. Any person who shall, either as owner, lessee, or as president, manager, secretary, superintendent, racing steward, or trustee of any corporation, club, or association, violate the provisions of this section, is punishable by a fine of not less than \$200 nor more than \$1,000, and shall be imprisoned in the county jail until such fine and costs of prosecution are paid; such imprisonment not to exceed one year.

The question being on the adoption of the substitute.

The ayes and noes were demanded by Senators Wolfe, Leavitt, and Langford.

The roll was called, and the substitute refused adoption by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Chapman, Curtin, Doty, Gillette, Hall, Jones, La Rue, Prisk, Rowell, Sims, Stratton, and Trout—15.

NOES—Senators Bettman, Burnett, Cutter, Dickinson, Dwyer, Feeney, Flint, Hoey, Laird, Langford, Leavitt, Maggard, Morehouse, Nutt, Shortridge, Simpson, Smith, Taylor, and Wolfe—19.

The following substitute was offered by Senator Jones:

SUBSTITUTE FOR SENATE BILL NO. 419.

An Act to prohibit the selling of pools and book-making on any trial or contest of skill, speed, or power of endurance of horses, except within the racetrack, inclosure, or fair ground wherein such trial or contest shall be had and occur, and to provide a punishment therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person or persons, except within the racetrack, inclosure, or fair ground wherein such trial or contest of skill, speed, or power of endurance of horses shall be had and occur, shall keep or in any capacity assist in keeping any room, shed, tenement, booth, building, or place of any kind, or any part thereof, with any book, instrument, or device for the purpose of recording or registering bets or wagers on, or selling pools upon, the result of any trial or contest of skill, speed, or power of endurance of horses, or shall, either as owner, agent, or employé, record, register, wager, or sell any pool upon the result of any such trial or contest, or shall receive or contract to receive any money or representative of money, either as agent, carrier, commission broker, servant, or employé, or in any representative capacity whatsoever, for the purpose of making, placing, recording, or registering any bet, wager, or pool upon the result of such trial or contest, or being the owner, lessee, or custodian of any room, tenement, tent, booth, building, or other place, or any part thereof, shall knowingly permit the same to be used or occupied for any purpose prohibited by this Act.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail for not exceeding six months.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Substitute read.

The question being on the adoption of the substitute.

The same was put and lost.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate (having resumed the chair), announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 23, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election

of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—75.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Wednesday, February 22, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, February 22, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Gillette and Taylor—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senators Feeney and Pace—2.
For Stephen M. White—Senators Langford, Prisk, and Sims—3.
For Nathan P. Cole, Jr.—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, and La Rue—7.
For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	3 votes.
Nathan P. Cole, Jr., received	7 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muenster—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, Dale, De Lancia, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—18.
For Irving M. Scott—Mr. Dunlap—1.
For James G. Maguire—Mr. Feliz—1.
For Stephen M. White—Messrs. Cowan, Hanley, and O'Brien—3.
For John Rosenfeld—Mr. Crowley—1.
For James D. Phelan—Mr. Hoey—1.
For Thomas R. Bard—Mr. Greenwell—1.
For Nathan P. Cole, Jr.—Messrs. Boone, Brooke, Burnett, Caminetti, Fairweather, Glenn, Mead, Meserve, Sanford, Stewart, E. D. Sullivan, Wardell, and White—13.
For William R. Hearst—Mr. Griffin—1.

Whole number of votes cast by Assemblymen	74
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	17 votes.
U. S. Grant, Jr., received	18 votes.
Irving M. Scott received	1 vote.
James G. Maguire received	1 vote.
Thomas R. Bard received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	3 votes.
James D. Phelan received	1 vote.
Nathan P. Cole, Jr., received	13 votes.
William R. Hearst received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	111
Necessary to a choice	56
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	11 votes.
D. M. Burns received	25 votes.

U. S. Grant, Jr., received	25 votes.
Thomas R. Bard received	3 votes.
Irving M. Scott received	2 votes.
John Rosenfeld received	3 votes.
Stephen M. White received	6 votes.
Nathan P. Cole, Jr., received	20 votes.
James D. Phelan received	2 votes.
William R. Hearst received	1 vote.
James G. Maguire received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Gillette and Taylor—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—11.
For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators	37
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	11 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knights, Knowlands Lardner, and Muentner—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Bree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.
For U. S. Grant, Jr.—Messrs. Blood, Cargill, Chynoweth, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—18.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Mr. Brooke—1.
For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Hoey, Mead, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—14.
For John Rosenfeld—Mr. Crowley—1.
For James D. Phelan—Mr. Burnett—1.
For Abbot Kinney—Mr. Meserve—1.
For Thomas R. Bard—Mr. Greenwell—1.
For William R. Hearst—Mr. Griffin—1.

Whole number of votes cast by Assemblymen.....	73
W. H. L. Barnes received.....	7 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	9 votes.
D. M. Burns received.....	17 votes.
U. S. Grant, Jr., received.....	18 votes.
Irving M. Scott received.....	1 vote.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	14 votes.
John Rosenfeld received.....	1 vote.
James D. Phelan received.....	1 vote.
Abbot Kinney received.....	1 vote.
Thomas R. Bard received.....	1 vote.
William R. Hearst received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	110
Necessary to a choice.....	56
W. H. L. Barnes received.....	11 votes.
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	11 votes.
D. M. Burns received.....	25 votes.
U. S. Grant, Jr., received.....	25 votes.
Thomas R. Bard received.....	3 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	25 votes.
James D. Phelan received.....	2 votes.
William R. Hearst received.....	1 vote.
Abbot Kinney received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and forty minutes P. M., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Friday, February 24, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

Quorum present.

RECESS.

At twelve o'clock and fifty-five minutes P. M., the hour of recess having arrived, the President pro tem. declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 104—An Act to regulate the granting of telephone and telegraph, street railroad, and electric light, heat, and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns within the State of California, and repealing conflicting Acts—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Municipal Corporations.

SIMPSON, Chairman.

Assembly Bill No. 104 referred to Committee on Municipal Corporations.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 44—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State.

Read third time.

At two o'clock and twenty-five minutes P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 44 refused passage by the following vote:

AYES—Senators Bettman, Chapman, Feeney, Hoey, Leavitt, Morehouse, Shortridge, and Wolfe—8.

NOES—Senators Ashe, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, La Rue, Luchsinger, Maggard, Nutt, Rowell, Sims, Smith, Stratton, and Trout—20.

NOTICE OF MOTION TO RECONSIDER.

Senator Dickinson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 44 was this day refused passage.

Assembly Bill No. 96—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens for mechanics and others upon real property.

Read third time.

Senator Bulla moved that Senator Gillette be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 1, after the figures "1183," and inserting the following:

"1183. Mechanics, materialmen, contractors, sub-contractors, artisans, architects, machinists, builders, miners, and all furnishing materials to be used in the construction, alteration, addition to or repair, either in whole or in part, of any building, wharf, bridge.

ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, shall have a lien upon the property upon which they have bestowed labor or furnished materials, for the value of such labor done or materials furnished, whether at the instance of the owner or of any other person acting by his authority or under him, as contractor or otherwise; and any person who performs labor in any mining claim or claims, has a lien upon the same and the works owned and used by the owners for reducing the ores from such mining claim or claims, for the work or labor done, or materials furnished by each respectively, whether done or furnished at the instance of the owner of the building, or other improvement, or his agent; and every contractor, sub-contractor, architect, builder or other person having charge of any mining, or of the construction, alteration, addition to or repair, either in whole or in part, of any building or other improvement as aforesaid, shall be held to be the agent of the owner for the purposes of this chapter. In case of a contract for the work, between the reputed owner and his contractor, the lien shall extend to the entire contract price, and such contract shall operate as a lien in favor of all persons, except the contractor, to the extent of the whole contract price; and after all such liens are satisfied, then as a lien for any balance of the contract price in favor of the contractor.

"All such contracts shall be in writing when the amount agreed to be paid thereunder exceeds one thousand dollars, and shall be subscribed by the parties thereto, and the said contract, or a memorandum thereof, setting forth the names of all the parties to the contract, a description of the property to be affected thereby, together with a statement of the general character of the work to be done, the total amount to be paid thereunder and the amounts of all partial payments, together with the times when such payments shall be due and payable, shall, before the work is commenced, be filed in the office of the County Recorder of the county or city and county where the property is situated, who shall receive one dollar for such filing; otherwise, they shall be wholly void and no recovery shall be had thereon by either party thereto; and, in such case, the labor done and materials furnished by all persons aforesaid, except the contractor, shall be deemed to have been done and furnished at the personal instance of the owner, and they shall have a lien for the value thereof."

Also: Change the word "or" in the title to the word "of."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 96—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens for mechanics and others upon real property—with instructions to amend, respectfully reports the same back, amended as per instructions.

GILLETTE, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print, and on file for third reading.

MOTION TO RECONSIDER.

Senator Cutter, in compliance with his notice given on yesterday, moved that the vote whereby Assembly Bill No. 400—An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures—was refused final passage be reconsidered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Jones, Leavitt, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Taylor, Trout, and Wolfe—25.

NOES—Senators Braunbart, Dwyer, La Rue, Luchsinger, Shortridge, Sims, and Stratton—7.

The question being on the passage of the bill.

The roll was called.

Pending the announcement of the vote on final passage of bill, Senator Shortridge arose, and addressing the Chair, stated that he wished to change his vote from "no" to "aye," for the purpose of moving a reconsideration of the vote whereby Assembly Bill No. 400 was this day finally passed.

The acting President thereupon ruled that a Senator was privileged to change his vote before the announcement of the result of the roll call, but held that a motion to reconsider having been decided, the decision could not be reconsidered, and no question could be twice reconsidered; therefore, the Senator's intended notice of motion to reconsider could not be entertained by the Chair in the event such notice were given.

Senator Shortridge thereupon requested that the roll call disclose his vote as he had first given it.

Such was the order.

The acting President then declared that Assembly Bill No. 400 was finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Feeney, Hoey, Jones, Leavitt, Maggard, Morehouse, Nutt, Pace, Simpson, Taylor, Trout, and Wolfe—21.

NOES—Senators Braunhart, Davis, Doty, Dwyer, Gillette, La Rue, Luchsinger, Prisk, Rowell, Shortridge, Sims, Smith, and Stratton—13.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILLS.

Assembly Bill No. 24—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 24 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Cutter, Davis, Dickinson, Dwyer, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Shortridge, Simpson, Smith, Trout, and Wolfe—22.

NOES—Senators Boyce, Curtin, Morehouse, Rowell, Stratton, and Taylor—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition, in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Passed on file.

Assembly Bill No. 156—An Act for the protection of horticulture, and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 156 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Stratton, Taylor, Trout, and Wolfe—27.

NOES—Senators Burnett, Prisk, and Smith—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 12—Relative to exposition at San Francisco, in 1901, of products and industries of Pacific Ocean countries.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 12 refused adoption by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Dickinson, Doty, Dwyer, Feeney, Hoey, Luchsinger, Maggard, Morehouse, Pace, Rowell, Sims, Stratton, Taylor, and Trout—19.

NOES—Senators Bulla, Chapman, Davis, Jones, Nutt, Shortridge, and Smith—7.

NOTICE OF MOTION TO RECONSIDER.

Senator Chapman gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Joint Resolution No. 12 was this day refused adoption.

At three o'clock and twenty-six minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 444—An Act to amend Section 1444 of the Code of Civil Procedure, in relation to the appraisement of estates of deceased persons.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 444.

An Act to add a new section to the Penal Code, to be known as Section 653½, relating to the appraisement of the estates of deceased persons.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be known as six hundred and fifty-three and one half, and to read as follows:

653½. Any appraiser, appointed by virtue of section one thousand four hundred and forty-four of the Civil Code of Procedure, who shall accept any fees, reward, or compensation other than that provided for by law, from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person, is guilty of a misdemeanor.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print and on file for third reading.

Assembly Bill No. 291—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known and numbered as Section 364 thereof, relating to corporations.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting the word "to" after the word "California," in line 2, Section 1, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and on file for third reading.
The hour for the consideration of Assembly bills expired.

MOTION.

Senator Stratton moved that the Senate urgency file be now considered.
So ordered.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

Passed on file.

Senator Sims moved that Senate Bill No. 206 be taken up for consideration.

So ordered.

Senate Bill No. 206—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children, by the erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same.

During the second reading of bill, the following amendments were offered:

By Senator Sims:

Amend Section 5 of Senate Bill No. 206 by striking out the word "immediately" and inserting the words and figures "January 1, A. D. 1900."

Amendment adopted.

By Senator Dickinson:

Amend by adding to Section 4 the following words: "Before any expense shall be incurred under this Act, except for making the proper plans and specifications, and for the estimates of cost, for all the purposes of this Act, shall be had and approved by the managers and also by the State Board of Examiners, which plans and specifications shall not thereafter be changed or modified, except by the consent of said managers and also of said Board of Examiners first had."

Amendment adopted.

By Senator Sims:

Amend Section 2 of Senate Bill No. 206 by striking out the word "nor," in line 1 thereof, and inserting the word "not."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Substitute for Senate Bill No. 134—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

Read third time.

Senator Gillette moved that Senator Prisk be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 32, all the words after the word "year" down to and including the word "county," in line 40.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 134—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund—with instructions to amend, respectfully reports the same back, amended as per instructions.

PRISK, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 324—An Act appropriating \$10,000 to pay the claim of Addie McGinness.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 324 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce Braunhart, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Hoey, Jones, La Rue, Maggard, Nutt, Prisk, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senator Gillette—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 320 passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Stratton, and Trout—25.

NOES—Senators Braunhart, La Rue, Rowell, and Taylor—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 122—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 122 passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Stratton, and Trout—23.

NOES—Senators Ashe and Taylor—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 354—An Act to amend Section 1 of "An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have an interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied," approved February 25, 1897, and to add two new sections thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 354 passed by the following vote:

AYES—Senators Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Stratton, and Trout—22.

NOES—Senator Taylor—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

Senator Davis asked unanimous consent to postpone until next legislative day his motion to reconsider the vote whereby Senate Bill No. 63—An Act to amend Section 1227 of the Civil Code of the State of California—was passed, notice of which was given on yesterday.

Consent granted, and postponement ordered.

Senate Bill No. 444—An Act in relation to municipal elections where same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 444 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215—An Act for the relief of Julius A. Holt, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Flint, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, and Trout—21.

NOES—Senators Bulla and Stratton—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

Senator Sims offered the following resolution:

Resolved, That the sum of \$38 70 be and the same is hereby appropriated from the Contingent Fund of the Senate, for the purposes of paying the actual expenses of the sub-committee from the Committees on Finance and Claims and Public Buildings other than Prison Buildings, provided for by resolution adopted February 17. The Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the said amount, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report

that they have examined and found the following bill correctly engrossed: Senate Bill No. 362—An Act to establish a camp of instruction for the National Guard of the State of California, and to authorize the acquisition, by donation, of a site for the same.

JONES, Chairman.

Senate Bill No. 362 ordered on file for third reading.

ON JUDICIARY—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 334—An Act to provide for the assessment, levy, and collection of an income tax—beg leave to report that said bill was referred to a sub-committee of two, consisting of Senators Smith and Curtin, to draft a committee substitute therefor, and sub-committee having prepared such substitute, we respectfully report the same back, and recommend that the accompanying committee substitute be adopted, and the bill thus amended do pass.

GILLETTE, Chairman.

Senate Bill No. 334 ordered on file for second reading.

RECESS.

At four o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

On motion, the consideration of the special urgency file was the order for this evening.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 440—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

Read third time.

SPECIAL ORDER SET.

On motion of Senator Stratton, the further consideration of Senate Bill No. 440 was made a special order for Friday morning, February 24, 1899, immediately after reading of the Journal.

MOTION.

Senator Bettman moved that messages from the Governor be taken up.
So ordered.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 23, 1899.

To the Senate of the State of California :

I herewith return to your honorable body, without my approval, Committee Substitute for Senate Bill No. 151, with my objections thereto.

An Act for the relief of John N. E. Wilson, ex-Insurance Commissioner of the State of California, and of James D. Byrnes and Frank C. De Long, the bondsmen of said John N. E. Wilson, ex-Insurance Commissioner, and authorizing the Attorney General of the State of California to enter satisfaction of judgment for the sum of \$4,663 82, in full settlement of the suit entitled "The People of the State of California, upon the complaint of E. P. Colgan, as Controller of said State, plaintiff, vs. John N. E. Wilson, Frank C. De Long, and James D. Byrnes, defendants."

This bill, in substance, authorizes the Attorney-General, in consideration of an assignment by J. N. E. Wilson to the State of California of all his right and interest in and to any moneys collected by said Wilson as Insurance Commissioner, and deposited by him in the Pacific Bank of San Francisco, to settle and dismiss a certain action wherein the People of the State of California ex rel. E. P. Colgan, State Controller, is plaintiff, and J. N. E. Wilson, F. C. De Long, and J. D. Byrnes are defendants, and wherein judgment was obtained against Mr. Wilson, and J. D. Byrnes and F. C. De Long, his sureties, in the Superior Court of the County of Sacramento. The action was commenced by the People March 1, 1894, to recover the sum of \$2,988 41, fees collected and unlawfully withheld by Mr. Wilson for the month of June, 1893, together with a twenty-five per cent penalty, and with interest at ten per cent, as provided by law. Judgment was rendered against said Wilson for \$4,663 82 on February 20, 1895, and against F. C. De Long April 8, 1895, and against J. D. Byrnes January 18, 1897.

On December 28, 1894, Mr. Wilson paid into court from fees in his hands the sum of \$649 93 in partial settlement; but withheld, without any legal right, the sum of \$400 on account on his salary. No other accounts have been paid upon the claim of the State.

An appeal was taken by Mr. Wilson to the Supreme Court, and the judgment was affirmed June 14, 1897, the case being reported in Vol CVII, California Reports, p. 242 et seq., where it was held that Mr. Wilson's act in depositing the money in bank was wholly unlawful.

The present bill seeks to relieve Mr. Wilson and his sureties from the judgment against them. The amount of money, if any, in the Pacific Bank, which is proposed by this bill to be paid in settlement of the judgment, is not shown; nor does there appear to be any reason why Mr. Wilson and his sureties should be relieved from the consequences of the judgment. It is well known that the Pacific Bank went into insolvency, and the proposed assignment of any money deposited therein by Mr. Wilson may prove a very poor bargain for the State.

Inasmuch as a judgment was obtained against Mr. Wilson February 20, 1895, it seems strange that Mr. Wilson did not previously assign to the State his interest in the money so deposited, especially as he contended in court that the money in bank belonged to the State, and that the State should suffer the loss through the failure of the bank.

I have thus far called the attention of your honorable body to the circumstances surrounding the judgment, in order to consider whether this bill for relief could have an equitable foundation. I now further call your attention to the fact that the bill flatly contravenes subdivision 16 of Section 25 of Article IV of the State Constitution, which reads as follows:

"The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

"Sixteenth—Releasing or extinguishing in whole or in part the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein."

It is clear, therefore, that Committee Substitute for Senate Bill No. 151 is in violation of this constitutional provision, and therefore void.

HENRY T. GAGE,
Governor of the State of California.

Referred to Committee on Executive Communications and Nominations.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 23, 1899.

To the Senate of the State of California :

I have the honor to inform your honorable body that I have this day approved Senate Bill No. 593—An Act to appropriate \$7,500 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State for general distribution parasitical and predaceous insects which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this State.

As your honorable body and the Assembly have both declared that an immediate necessity exists for this appropriation by twice passing this measure, and the amount specified in the bill being reduced from \$10,000 to \$7,500, I have therefore approved the bill.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 23, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 421—An Act to amend Section 1195 of the Political Code.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 23, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 11—An Act to provide for the construction of a free wagon road from the Mono Lake Basin to connect with a road called "Tioga Road," at or near the Tioga Mine, and making an appropriation therefor.

I heartily approve of this bill for many reasons, among which are the following: The road is an urgent necessity for the two great producing classes the farmers and the miners, who reside on the east slope of the Sierras, between Sonora Pass on the north, and Walkers Pass on the south. There is no road over the mountains other than pack trails for a distance of over 250 miles. The citizens of our State residing in that section of the eastern slope have been compelled for many years to travel to Nevada to sell their products and to trade there, for the reason that they have had no accessible roadway to cities, towns, and valleys on the California side west of the mountains.

Though they have cheerfully borne their proportion of the taxes of California for many years, yet for want of a proper roadway they have not had the usual benefits incident to taxation. The great desire and necessity of the people of that part of the State for the construction of this road is manifested, among other things, by a very unusual offer on the part of some of the citizens in interest, which is to guarantee the construction of the road for the amount appropriated, and a tender to the State of a proper bond therefor. A further guaranty has been made by a number of leading citizens that the maintenance of the road shall never become "a claim upon or charge against the State of California." These guaranties have been filed with the Secretary of State. In view of the aforementioned and many other reasons, it is but just to the people inhabiting that region of the State, both east and west of the mountains, that this appropriation should be granted; hence I approve of the bill.

HENRY T. GAGE,
Governor of the State of California.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 22—An Act to create the Harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the Harbor of Oakland, to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties, and jurisdiction, fixing their terms, salaries, and their bonds, and providing how vacancies shall be filled; providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collector, and other employes, and providing for the manner of their appointment and defining their duties and fixing their tenure of office; providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board, or employes, a misdemeanor, and providing a penalty of a fine not to exceed \$300, or imprisonment not exceeding one hundred days as a punishment therefor; and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing punishment therefor of a fine of not less than \$100 and not more than \$500, or by imprisonment of not less than thirty nor more than ninety days; and making it a misdemeanor to drive horses, or mules,

or vehicles upon any wharf, pier, quay, landing, or thoroughfare faster than a walk, and providing a punishment of a fine of not more than \$20, or imprisonment of not more than ten days, and providing that the Police Court of the City of Oakland shall have jurisdiction of all such misdemeanors herein provided, and making it a misdemeanor for masters, owners, or consignees of vessels or railroad to refuse or to neglect to deliver to the wharfinger, or other employes of the board, a statement of the quality of the merchandise intended to be discharged, and making the punishment therefor a fine of not more than \$100, or imprisonment of not more than three months, or both; and making it a misdemeanor for any such person to discharge, or to allow to be discharged, from any such vessel or car any part of its cargo or load, or receive, or allow to be received, on such vessel or car, any such part of its cargo or load, and providing a punishment of a fine not exceeding \$500, or imprisonment not exceeding one hundred days, or by both such fine and imprisonment, and providing that the Attorney-General shall furnish advice to the board when required.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Smith, Stratton, Taylor, and Trout—24.

NOES—Senators Dickinson, Doty, Dwyer, Laird, Sims, and Wolfe—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTIONS TO RECONSIDER POSTPONED.

Senator Leavitt, in compliance with notice given on yesterday by Senator Laird, moved that the vote whereby Assembly Bill No. 261 was refused final passage be reconsidered.

The motion was seconded.

Senator Leavitt moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 261 was refused final passage, be postponed until next legislative day.

So ordered.

Senator Shortridge asked unanimous consent to postpone until next legislative day the consideration of his motion to reconsider the vote whereby Senate Bill No. 327 was refused passage, said motion having been made on a previous day.

Unanimous consent granted, and further consideration of motion to reconsider postponed until Friday, February 24, 1899.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 300—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements by the managers of the Napa State Hospital at Napa, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 300 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Maggard, Morehouse, Pace, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease, by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carrier in this State, of any or all of the property and franchises owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease, by any such corporation, as above mentioned, of any such property or franchises, or both, which it may own, use, or hold, wholly or partially in this State.

Passed on file.

Senate Bill No. 536—An Act to add a new section to the Political Code of the State of California, to be numbered 1118, relating to registration.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 536 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362—An Act to establish a camp of instruction for the National Guard of the State of California, and to authorize the acquisition, by donation, of a site for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 362 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Jones, Laird, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Braunhart moved that the third reading of bills be taken up.
So ordered.

THIRD READING OF BILLS.

Senate Bill No. 165—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 165 passed by the following vote:

AYES—Senators Bettman, Braunhart, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408—An Act to amend Section 3 of an Act entitled “An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,” approved March 18, 1885.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 408 passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 273—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California entitled “An Act to provide for the disincorporation of municipal corporations of the sixth class,” approved March 26, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 273 passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 182—An Act authorizing municipalities of less than the first class to obtain, by purchase, donation, or devise, lands for cemetery purposes; and authorizing the Boards of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 182 passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 69—An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Senate Bill No. 69 withdrawn and ordered stricken from the file.

THIRD-READING FILE—(RESUMED).

Senate Bill No. 80—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 3443.

Read third time, and passed on file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Taylor asked for and was granted unanimous consent to withdraw Senate Bill No. 84—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act—and substitute therefor on file Senate Bill No. 68—An Act to amend Section 2 and Section 38 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, concerning changes in the grade of streets.

Senate Bill No. 84 withdrawn and ordered stricken from the file, and Senate Bill No. 68 substituted therefor on file.

THIRD-READING FILE—(RESUMED).

Senate Bill No. 167—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Passed on file.

Senate Bill No. 205—An Act to amend an Act of the Legislature entitled "An Act concerning agricultural societies," approved March 12, 1859, and to authorize agricultural societies formed under said Act to borrow money and secure the payment of the same, or to sell property to pay the existing debts of said societies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 205 passed by the following vote:

AYES—Senators Ashe, Bettman, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3748 of the Political Code, relating to revenue and taxation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 93 passed by the following vote:

AYES—Senators Braunhart, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146—An Act to amend Sections 1917, 1918, and 1920 of the Civil Code, relating to legal rate of interest.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 146 passed by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senators Bettman, Curtin, Laird, and Shortridge—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

Senator Smith offered the following resolution, and moved its adoption:

Resolved, That on Friday, February 24, 1899, after the consideration of the Assembly file, each Senator be permitted to place one bill on a special file, the roll call to be reversed in arranging the file.

Resolution read and adopted.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 170—An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

At ten o'clock and twelve minutes P. M., pending the announcement of the vote, Senator Cutter moved a call of the Senate.

So ordered.

Whereupon the President pro tem. ordered the Sergeant-at-Arms to close the doors.

The doors were closed.

At ten o'clock and thirty-one minutes p. m., the call of the Senate was dispensed with, on motion of Senator Bettman.

The doors were opened.

The President pro tem. thereupon announced that Senate Bill No. 170 was refused passage by the following vote:

AYES—Senators Cutter, Flint, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Pace, Smith, Stratton, Taylor, and Trout—13.

NOES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Hall, Laird, Leavitt, Nutt, Rowell, Shortridge, Sims, and Wolfe—19.

NOTICE OF MOTION TO RECONSIDER.

Senator Nutt gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 170 was this day refused passage.

WITHDRAWAL OF RESOLUTION.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend the Constitution of the State by adding to Article XIII thereof a section in relation to the exemption from taxation of churches and chapels, and the real property on which they are situated, said new section to be inserted after Section 1 of said Article XIII, and to be designated as Section 1½ of said article.

Senate Constitutional Amendment No. 7 withdrawn and ordered stricken from the file.

SENATE JOINT RESOLUTION No. 17.

Relative to the mineral lands within the railroad land grants in California, and the segregation and reservation of such mineral lands.

WHEREAS, The practical working of the Montana-Idaho Mineral Land Act, in properly classifying lands on railroad grants, has restored to the domain of the prospector and miner large tracts of mineral lands without detriment to railroad companies, and at very small cost to the Government; and

WHEREAS, A similar bill applied to California has been approved by the Secretary of the Interior and Commissioner of the General Land Office, and has received the indorsement of the Legislature of the State of California, as well as many public bodies in this State. It is of vast importance to California gold mining interests, as it would release to the prospector hundreds of thousands of acres of land now closed to him, would assist in populating regions now without inhabitants, and cause the foundation of many new mining camps; and

WHEREAS, Large tracts of valuable mineral land have presumably passed to the railroad companies in their grants, something never intended by the Government. The mineral lands are, by this bill, returned to the miners, and the railroads obtain others in their stead; therefore, be it

Resolved by the Senate and the Assembly, jointly, That we now earnestly urge immediate consideration of the measure now before Congress, to avoid further delay and further encroachment of the railroad companies upon the mineral domain of California; and be it further

Resolved, That the Secretary of the Senate of the State of California be directed to forward a copy of this petition to the Speaker of the House of Representatives, and a copy to each of our Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 17 adopted by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

ADJOURNMENT.

At ten o'clock and thirty-five minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until ten o'clock A. M. of Friday, February 24, 1899.

IN SENATE.

SENATE CHAMBER,

Friday, February 24, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, February 23, 1899, was read.

The Journal of Tuesday, February 21, 1899, was approved.

LEAVE OF ABSENCE.

Senator Jones was granted a leave of absence for the day, on motion of Senator Nutt.

Senator Currier was granted a leave of absence until and including Saturday, February 25, 1899, on motion of Senator Bulla.

SPECIAL ORDER RESET.

The special order heretofore set for this hour, being the consideration of Senate Bill No. 440, was postponed until three o'clock and thirty minutes P. M. of this day, and made a special order for that hour.

MOTION.

Senator Curtin moved to take up Senate Bill No. 9 for the purpose of amendment.

So ordered.

Senate Bill No. 9—An Act to amend "An Act in relation to foreign corporations," approved April 1, 1872.

The bill having been read second time and reported correctly engrossed, Senator Curtin moved that Senator Bulla be appointed a special committee of one to amend the bill as follows:

At the beginning of line 1, Section 2, amend by inserting the word and figure "Sec. 2."

Also: At the beginning of Section 3, insert the word and figure "Sec. 3."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 9—An Act to amend "An Act in relation to foreign corporations," approved April 1, 1872—with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print and reëngrossment.

MOTION.

On motion of Senator Simpson, Senate Bill No. 403—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease by railroad corporations created under the laws of this State, or by any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carriers in this State, of any or all of the property and franchises owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or of any other State or Territory, or of the United States, which is now, or hereafter may be, doing business as a common carrier in this State, and authorizing the sale or lease, by any such corporation as above mentioned, of any such property or franchise, or both, which it may now own, use, or hold wholly or partially in this State, for and during the period of three years from and after the passage of this Act within which to purchase or lease such property, and making it unlawful for any railroad corporation to increase the freights and fares above the rates now established, or which may be established prior to such sale or lease, or for two or more railroad corporations to combine or be jointly interested in such purchase or lease, and providing as a penalty for the violation of this Act the forfeiture of the franchises of offending railroad corporations, and directing the Attorney-General to institute proceedings for such forfeiture—was re-referred to Committee on Corporations.

RESOLUTION.

Senator Cutter offered the following resolution:

Resolved, That the sum of \$80, payable out of the Contingent Fund of the Senate, be allowed Hiram Clock, as payment for twenty days' services at a per diem of \$4, as

Porter in charge of the rooms of Lieutenant-Governor Reddick and committees of the Senate, which services were performed after the expiration of the sixty-day limit of the legislative session of 1891, and for which he has never received any compensation.

I hereby certify that Hiram Clock acted in the capacity above mentioned, and a resolution was adopted allowing him for extra services, but was not paid, owing to no money being in the Contingent Fund of the Senate at expiration of session.

F. J. BRANDON.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the accompanying communication from his Excellency, Henry T. Gage, the Governor of the State of California, in reference to withdrawing from the consideration of the Senate the appointments submitted for approval on the third day of January, A. D. 1899, have considered the same, and recommend that the Senate give its consent to the withdrawal of the several nominations therein set forth.

BURNETT, Chairman.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 16, 1899. }

To the Senate of the State of California:

I herewith respectfully withdraw from the consideration of your honorable body the following appointments, submitted to your honorable body for approval on the third day of January, A. D. 1899, namely:

Benjamin F. Bergen of Alameda, vice W. W. Foote, resigned; Andrew J. Ralston of Alameda, vice self, term expired, and James Palache of Alameda, vice John Garber, resigned, as Directors of the Deaf, Dumb, and Blind Asylum.

Also: F. W. G. Moebus of Alameda, vice F. W. Lougee, deceased, and A. B. Ware of Sonoma, vice A. P. Overton, term expired, as Directors of the California Home for the Care and Training of Feeble-Minded Children.

Also: Charles Gould, vice H. F. Emeric, resigned, as a Fish Commissioner.

Also: J. W. Prout of San Diego, vice D. C. Reed, term expired, as member of the State Board of Harbor Commissioners for the Port of San Diego.

Also: John H. Dickinson of Marin, vice N. T. James, resigned, to be Major-General.

Also: Alexander Smith of San Pedro, vice J. F. Anderson, as pilot for the Port of Wilmington and Bay of San Pedro.

Also: Mrs. Phoebe Hearst of San Francisco, vice C. F. Crocker, deceased; J. West Martin of Oakland, vice self, term expired, and James D. Phelan of San Francisco, vice George T. Marye, term expired, as members of the Board of Regents of the University of California.

Also: Preston L. Lykins of Sacramento, vice N. Greene Curtis, deceased, as member of the Board of Trustees of the State Burial Ground.

Also: John R. Price of Colusa, W. L. Ashe of San Francisco, and Marsden Manson of San Francisco, as Highway Commissioners.

Also: Charles A. Reynolds of San Francisco, for the term of four years, W. F. Maggard of Tehama, for the term of four years, and William M. Finch of Glenn, for the term of four years, as Trustees of the State Normal School at Chico.

Also: Percy R. Wilson of Los Angeles, for the term of four years, and N. P. Conrey of Los Angeles, for the term of four years, as Trustees of the State Normal School at Los Angeles.

Also: R. E. Wilhoit of San Joaquin, for the term of four years, and George W. Pierce of Yolo, for the term of four years, as Trustees of the State Normal School at San José.

Also: I. B. Dockweiler of Los Angeles, and R. M. Powers of San Diego, for the term of four years, as Trustees of the State Normal School at San Diego.

HENRY T. GAGE,

Governor of the State of California.

The question being on the adoption of the report.

The same was put, and the report adopted and withdrawal of nominations consented to.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 353—An Act to amend an Act entitled "An Act to amend an Act

approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita, but increasing said appropriation in the aggregate—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 647—An Act for the relief of J. E. Atkinson, for personal injuries received by him while in the service of the State—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Senate Bill No. 468—An Act providing for the construction of a State highway or free wagon road from Mount Hamilton Observatory in Santa Clara County to the San Joaquin River in Stanislaus County, to connect with the most desirable public road leading to the Yosemite Valley; providing for the appointment of a Board of Commissioners, and authorizing and directing said Board of Commissioners to perform certain duties relating to the construction of such highway and to condemn land and property for the purpose aforesaid, and making an appropriation for the expenditures and purposes provided in this Act—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute of the committee be adopted, and be re-referred to Committee on Roads and Highways.

DICKINSON, Chairman.

Assembly Bill No. 353 ordered on special file of Assembly bills for second reading.

Senate Bill No. 647 ordered on file for second reading.

Senate Bill No. 468 re-referred to Committee on Roads and Highways.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 703—An Act to amend Section 1670 of the Political Code.

Also: Assembly Bill No. 416—An Act to add two new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered respectively Sections 248 and 249, relating to the committees of the respective houses of the Legislature, and to the duties of the Judiciary Committees thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 709—An Act to amend Section 562 of the Civil Code relating to homestead corporations.

Also: Assembly Constitutional Amendment No. 7—Relative to exempting certain school property from taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 353—An Act to amend an Act entitled "An Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association,' approved March 7, 1883; providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893; reducing the amount of such appropriation per capita, but increasing said appropriation in the aggregate—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Finance and Claims.

GILLETTE, Chairman.

Assembly Bill No. 416 ordered on special file of Assembly bills for second reading.

Assembly Constitutional Amendment No. 7 ordered on special file of Assembly bills.

Assembly Bill No. 353 referred to Committee on Finance and Claims.

Senate Bills Nos. 703 and 709 ordered on file for second reading.

Senate Constitutional Amendment No. 21 ordered on file.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom

was referred Assembly Bill No. 127—An Act to provide for the purchase of additional land for the Folsom State Prison, and making an appropriation therefor.

Also: Assembly Bill No. 128—An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses incident and relating thereunto, and provide for managing the same, for the transfer of prisoners thereto, and government of the inmates thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, after being referred to Committee on Finance and Claims.

BULLA, Chairman.

Assembly Bill No. 127 referred to Committee on Finance and Claims.

Assembly Bill No. 128 referred to Committee on Finance and Claims.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 468—An Act providing for the construction of a State highway or free wagon road from Mount Hamilton Observatory, in Santa Clara County, to the San Joaquin River, in Stanislaus County, to connect with the most desirable public road leading to the Yosemite Valley; providing for the appointment of a Board of Commissioners, and authorizing and directing said Board of Commissioners to perform certain duties relating to the construction of such highway, and to condemn land and property for the purpose aforesaid, and making an appropriation for the expenditures and purposes provided in this Act—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

CUTTER, Chairman.

Senate Bill No. 468 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 523—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by repealing Section 11¹ thereof, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water, approved March 2, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Senate Bill No. 523 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 607—An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor.

Also: Assembly Bill No. 272—An Act to repeal an Act entitled "An Act authorizing the Controller to appoint an additional clerk in his office in addition to the number now allowed by law, to be known as the Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year; to create the office of Expert to the Controller, and prescribing his compensation."

Also: Assembly Bill No. 622—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half-orphans, and abandoned children," approved March 25, 1880.

Also: Adopted Senate Joint Resolution No. 11—Relative to money now due and unpaid to the State of California from the National Government.

Also: Concurred in Senate amendments to Assembly Bill No. 132—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding two new sections thereto, to be respectively numbered and known as 730 and 730 $\frac{1}{2}$.

Also: Passed Assembly Bill No. 400—An Act to add a new section to the Penal Code to be known as Section 258, relating to the publication of portraits and caricatures.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 607 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 272 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 622 read first time, and referred to Committee on Finance and Claims.

Senate Joint Resolution No. 11 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Also: Senate Bill No. 96—An Act entitled an Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

Also: Senate Bill No. 7—An Act for the relief of John Mullan, and to appropriate money therefor.

Also: Passed Assembly Bill No. 147—An Act to amend Sections 2570 and 2571 of the Political Code of the State of California, relative to the Harbormaster of the Port of Eureka, and relative to the salaries of the members of the Board of Harbor Commissioners.

Also: Amended, and passed as amended, Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court.

Also: Passed Assembly No. 690—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Also: Assembly Bill No. 597—An Act authorizing the Attorney-General to appoint a competent person to compile and index the opinions of the Attorneys-General of the State of California, and making an appropriation for the payment of such compilation and indexing.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 59?"

Amend Section 14, in line 4 of printed bill, by striking out the words "twenty-five" and in lieu thereof inserting the word "fifteen."

Also: Amend Section 14, in line 5 of printed bill, by striking out the figure "2" and in lieu thereof inserting the figure "1."

Also: Amend Section 14, in line 6 of printed bill, by striking out the word "ten" and in lieu thereof inserting the word "seven."

Also: Amend Section 14, in line 6 of printed bill, by inserting the words "five hundred" after the word "thousand."

Also: Amend Section 14, in line 6 of printed bill, by striking out the figures "10,000" and in lieu thereof inserting the figures "7,500."

Also: Amend Section 14, in line 7 of printed bill, by striking out the word "ten" and in lieu thereof inserting the word "five."

Also: Amend Section 14, in line 7 of printed bill, by striking out the figures "10,000" and in lieu thereof inserting the figures "5,000."

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Dwyer, Flint, Gillette, Hoey, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Senate Bill No. 59 ordered to reëngrossment and enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 96?"

Amend by striking out the words "a Superintendent of Schools," in line 11, page 1, printed bill.

The roll was called, and the Senate refused to concur in Assembly amendment by the following vote:

AYES—Senators Gillette, Nutt, Shortridge, and Smith—4.

NOES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Doty, Dwyer, Flint, Laird, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Simpson, Stratton, Taylor, and Trout—21.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President pro tem. appointed Senators Taylor, Bulla, and Chapman a Committee of Conference on Senate Bill No. 96.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 7?"

Amend by inserting after the word "same," in line 10, the words "*provided*, that all contracts alleged to exist between the State and said John Mullan are hereby abrogated."

Also: Amend by striking out the words "from and after its passage," in line 1, Section 2, page 1, printed bill, and inserting in lieu thereof the following: "on the first day of January, nineteen hundred."

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Stratton, and Taylor—28.

NOES—None.

Senate Bill No. 7 ordered to reëngrossment and enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 56?"

Amend by striking out the word "four," in line 5, Section 1, printed bill, and inserting in lieu thereof the word "five."

Also: Insert after the words "El Dorado," in line 12, page 1, Section 1, printed bill, the word "Shasta."

Also: Insert after the word "Yolo," the word "Siskiyou," in line 10, Section 1, page 1, printed bill.

Also: Amend Senate Bill No. 56, Section 1, by striking out in line 9, printed amended bill, the words "San Bernardino."

The roll was called, and the Senate refused to concur in Assembly amendments by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Dwyer, Feeney, Hall, Hoey, Morehouse, and Shortridge—13.

NOES—Senators Bulla, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—21.

At eleven o'clock and forty-five minutes A. M., Hon. Edward I. Wolfe, State Senator from the Twenty-first Senatorial District, in the chair.

The Secretary was directed to inform, by message, the Assembly of the action of the Senate on the bills referred to in the foregoing Assembly messages, and therein to request that body to recede from the amendments not concurred in by the Senate, and to further inform that body of the appointment of the Committee of Conference on Senate Bill No. 96.

Assembly Bills Nos. 147, 690, and 597 read first time, and ordered on special file of Assembly bills, without reference to committee.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate (having resumed the chair,) announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 24, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Burnett, Caminetti, Cargill, Clough, Cobb, Conrey, Cospier, Cowan, Crowder, Crowly, Dale, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—76.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Thursday, February 23, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, February 23, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
 For *R. N. Bulla*—Senators Gillette and Taylor—2.
 For *D. M. Burns*—Senators Bettman, Burnett, Hoey, Laird, Shortridge, Simpson, and Wolfe—7.
 For *U. S. Grant, Jr.*—Senators Boyce, Maggard, Nutt, Smith, and Trout—5.
 For *Thomas R. Bard*—Senators Flint and Rowell—2.
 For *Irving M. Scott*—Senator Davis—1.
 For *John Rosenfeld*—Senator Feeney—1.
 For *Stephen M. White*—Senator Chapman—1.
 For *William R. Hearst*—Senators Ashe, Brauhart, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—9.
 For *Grove L. Johnson*—Senators Cutter and Leavitt—2.
 For *James D. Phelan*—Senator Hall—1.

Whole number of votes cast by Senators	35
<i>W. H. L. Barnes</i> received	4 votes.
<i>R. N. Bulla</i> received	2 votes.
<i>D. M. Burns</i> received	7 votes.
<i>U. S. Grant, Jr.</i> received	5 votes.
<i>Thomas R. Bard</i> received	2 votes.
<i>Irving M. Scott</i> received	1 vote.
<i>John Rosenfeld</i> received	1 vote.
<i>Stephen M. White</i> received	1 vote.
<i>William R. Hearst</i> received	9 votes.
<i>Grove L. Johnson</i> received	2 votes.
<i>James D. Phelan</i> received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, and Muentner—4.
 For *M. M. Estee*—Mr. Wade—1.
 For *R. N. Bulla*—Messrs. Belshaw, Boynton, Cosper, and Miller of Los Angeles—4.
 For *D. M. Burns*—Messrs. Arnerich, Barry, Beecher, Cobb, Jilson, Johnson, Kelley, Kelsey, Lundquist, McKeen, Pierce, Rickard, Eugene Sullivan, and Wright—14.
 For *U. S. Grant, Jr.*—Messrs. Bliss, Blood, Caigill, Crowder, Dale, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merritt, Milice, Radcliff, Raw, and Works—15.
 For *Irving M. Scott*—Mr. Dunlap—1.
 For *John Rosenfeld*—Mr. Crowley—1.
 For *Thomas R. Bard*—Mr. Greenwell—1.
 For *William R. Hearst*—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.
 For *Grove L. Johnson*—Messrs. De Lancie, Dibble, Henry, Knights, Knowland, La Barea, Lardner, Merrill, Miller of San Francisco, Raub, Robinson, and Valentine—12.

Whole number of votes cast by Assemblymen	72
<i>W. H. L. Barnes</i> received	4 votes.
<i>M. M. Estee</i> received	1 vote.
<i>R. N. Bulla</i> received	4 votes.
<i>D. M. Burns</i> received	14 votes.
<i>U. S. Grant, Jr.</i> received	15 votes.
<i>Irving M. Scott</i> received	1 vote.

John Rosenfeld received	1 vote.
Thomas R. Bard received	1 vote.
William R. Hearst received	19 votes.
Grove L. Johnson received	12 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	107
Necessary to a choice	54
W. H. L. Barnes received	8 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	6 votes.
D. M. Burns received	21 votes.
U. S. Grant, Jr., received	20 votes.
Thomas R. Bard received	3 votes.
Irving M. Scott received	2 votes.
John Rosenfeld received	2 votes.
Stephen M. White received	1 vote.
William R. Hearst received	28 votes.
Grove L. Johnson received	14 votes.
James D. Phelan received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senators Gillette and Taylor—2.
For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Maggard, Nutt, Smith, and Trout—6.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.
For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators	35
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	6 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For W. H. L. Barnes*—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Lundquist, McKeen, Miller of San Francisco, Pierce, Eugene Sullivan, and Wright—16.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—18.

For Irving M. Scott—Mr. Dunlap—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—16.

For John Rosenfeld—Mr. Crowley—1.

For James D. Phelan—Messrs. Burnett and Hoey—2.

For Thomas R. Bard—Mr. Greenwell—1.

Whole number of votes cast by Assemblymen	73
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	16 votes.
U. S. Grant, Jr., received	18 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	16 votes.
John Rosenfeld received	1 vote.
James D. Phelan received	2 votes.
Thomas R. Bard received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	108
Necessary to a choice	55
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	11 votes.
D. M. Burns received	24 votes.
U. S. Grant, Jr., received	24 votes.
Thomas R. Bard received	3 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	26 votes.
James D. Phelan received	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and forty minutes P. M., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Saturday, February 25, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty-five minutes P. M., the Senate reconvened. Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Senate Bill No. 695—An Act to amend Section 5 of "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.

SHORTRIDGE, Acting Chairman.

Senate Bills Nos. 240 and 695 ordered on file for second reading.

RECESS.

At twelve o'clock and fifty minutes P. M., the hour of recess having arrived, the President pro tem. declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Laird, La Rue, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—26.

Quorum present.

LEAVE OF ABSENCE.

At two o'clock and fifteen minutes P. M., the Committee on Education was granted a leave of absence for one hour, on motion of Senator Boyce.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Read third time, and passed on file.

Assembly Bill No. 444—An Act to amend Section 1444 of the Code of Civil Procedure, in relation to appraisement of estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 444 finally passed by the following vote:

AYES—Senators Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, La Rue, Maggard, Morehouse, Nutt, Rowell, Simpson, Sims, Taylor, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 291—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be known and numbered as Section 364 thereof, relating to corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 291 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, La Rue, Maggard, Morehouse, Nutt, Rowell, Simpson, Sims, Smith, Taylor, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 182—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners, approved March 4, 1881 (Stats. 1881, 26), relating to assessing and collecting said taxes.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the enacting clause.

Amendment adopted.

Also: Amend by inserting the following after the enacting clause:

"SECTION 1. Section one of an Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners, approved March 4, 1881, is hereby amended to read as follows."

Amendment adopted.

Also: Amend by striking out the words "Sec. 2," in line 1, Section 2, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 3," in line 1, Section 3, page 2, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 4," in line 1, Section 4, page 2, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 5," in line 1, Section 5, page 2, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 6," in line 1, Section 6, page 3, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 7," in line 1, Section 7, page 3, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 8," in line 1, Section 8, page 3, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 9," in line 1, Section 9, page 3, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 10," in line 1, Section 10, page 4, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 11," in line 1, Section 11, page 4, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 12," in line 1, Section 12, page 4, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 13," in line 1, Section 13, page 4, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 14," in line 1, Section 14, page 4, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 15," in line 1, Section 15, page 4, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 16," in line 1, Section 16, page 5, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 17," in line 1, Section 17, page 5, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 18," in line 1, Section 18, page 5, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 19," in line 1, Section 19, page 5, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 20," in line 1, Section 20, page 5, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 21," in line 1, Section 21, page 5, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 22," in line 1, Section 22, page 6, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 23," in line 1, Section 23, page 6, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 24," in line 1, Section 24, page 6, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 25," in line 1, Section 25, page 6, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 26," in line 1, Section 26, page 7, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Sec. 27," in line 1, Section 27, page 7, printed bill, and inserting the following: "Sec. 3."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 354—An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.

Read second time, and ordered on file for third reading.

Assembly Bill No. 399—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 10 thereof.

Senator Shortridge moved that the enacting clause be stricken out.

Motion carried.

Assembly Bill No. 352—An Act relating to the disposition of moneys belonging to deceased inmates of public institutions supported in whole or in part by State aid and under the control of boards appointed by the Governor.

Read second time, and ordered to third reading.

Assembly Bill No. 28—An Act to amend Section 1086 of the Code of Civil Procedure, relating to the writ of mandate.

Senator Cutter moved that the bill be denied second reading.

Motion carried.

Assembly Bill No. 181—An Act to provide for vacating and closing up any park, plaza, public square, or other public reservation, not belonging to the State, and not situated within any municipality.

Senator Cutter moved that the bill be denied second reading.

Motion carried.

Assembly Bill No. 385—An Act to amend Section 407 of the Code of Civil Procedure of the State of California, relating to summons.

Senator Cutter moved that the bill be denied second reading.

Motion carried.

Assembly Bill No. 324—An Act to change and permanently locate the boundary line between the counties of Shasta and Lassen.

Read second time, and ordered to third reading.

Assembly Bill No. 250—An Act to amend Section 3608 of the Political Code of the State of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue; and to add new sections, to be known as Sections Nos. 3609 and 3610, also relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Read second time, and ordered to third reading.

Assembly Bill No. 5—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out all the words after the word "shall," in line 7, Section 6, page 4, to end of section, and inserting in lieu thereof the words "be paid into the public treasury of such county, or city and county, and placed to the credit of the unapportioned school fund."

Amendment adopted.

Also: In line 23, Section 9, page 6, strike out all words after "into the" to end of section, and insert in lieu thereof the following: "public treasury of such county, or city and county, and placed to the credit of the unapportioned school fund."

Amendment adopted.

Assembly Bill No. 5 read second time, ordered to print and third reading.

Assembly Bill No. 96—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens for mechanics and others upon real property.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 96 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Taylor, and Trout—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 458—An Act to amend the Penal Code by adding a section thereto, to be numbered 623½, relating to the detention of books and other property belonging to any public or incorporated library, reading-room, museum, or other educational institution.

Senator Shortridge moved to strike out the enacting clause.

Motion lost.

Bill read second time, and ordered to third reading.

Assembly Bill No. 151—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead and bodies liable, if interred, to spread disease.

Read second time, and ordered to third reading.

Assembly Bill No. 257—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.

During the second reading of bill, the following amendment was offered by Senator Cutter:

Amend by striking out Section 1 and inserting in lieu thereof the following:

"SECTION 1. A new section is hereby added to the Political Code, to be known and designated as section three thousand four hundred and sixty-six and one half, to read as follows:

"3466½. In all cases in which an assessment shall have been levied since October first, eighteen hundred and ninety-six, or shall hereafter be levied, for reclamation purposes, upon the lands embraced within any reclamation district, and the assessment shall have thereafter been or shall be adjudged invalid, by any court of competent jurisdiction, and any landowner of the district shall have paid the amount assessed, in said assessment, against land belonging to him, before said assessment shall have been or shall be so adjudged invalid, the amount so paid by said landowner, together with the legal interest thereon from the date of its payment, shall be credited, by the Treasurer of the county in which said land is situated, to the tract of land on which the same was paid, and shall be applied upon any assessment thereafter levied on the lands of the district, to the payment, pro tanto, of the amount therein assessed against said tract of land."

The following amendment to the amendment was offered by Senator Taylor:

Amend by striking out of Section 1, lines 12 and 13, the words "together with legal interest thereon from the date of the payment."

Amendment to amendment lost.

The question being on the adoption of the amendment by Senator Cutter.

The same was put, and the amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 420—An Act to add a new section to the Political Code, to be known as Section 1890, relating to fire-escapes on school buildings.

Read second time, and ordered to third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO; February 24, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Senate Bill No. 696—An Act to amend Sections 1637 and 1638 of the Political Code, relating to the public schools, have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

Also: Senate Bill No. 711—An Act to prevent the sale of intoxicating liquors on the first day of the week, commonly called Sunday—have had the same under consideration, and respectfully report the same back without recommendation.

BOYCE, Chairman.

Senate Bills Nos. 696 and 711 ordered on file for second reading.

SPECIAL ORDER.

The time for consideration of the special file of Assembly bills having expired, the special order—the making up of a Senate special file—heretofore set for this hour, was taken up.

SPECIAL FILE.

In accordance with the resolution adopted yesterday, the special file was made up as follows: Beginning with the name of Senator Wolfe, and continuing in reverse alphabetical order until the roll call was concluded—each Senator announcing by number the bill he desired placed on the file.

Wolfe	Senate Bill No. 174
Trout	Senate Bill No. 363
Taylor	Senate Bill No. 515
Stratton	Senate Bill No. 358
Smith	Assembly Bill No. 607
Sims	Senate Bill No. 311
Simpson	Senate Bill No. 620
Shortridge	Senate Bill No. 210
Rowell	Senate Bill No. 367
Prisk	Senate Bill No. 442
Pace	Senate Bill No. 318
Nutt	Senate Bill No. 228
Morehouse	Senate Bill No. 530
Maggard	Senate Bill No. 360
Luchsinger	Senate Bill No. 359
Jones	Senate Bill No. 491
Hoey	Senate Bill No. 4

Gillette	Senate Bill No. 438
Flint	Senate Bill No. 554
Feeney	Committee Substitute for Senate Bill No. 142
Dwyer	Senate Joint Resolution No. 19
Doty	Senate Bill No. 353
Dickinson	Senate Bill No. 349
Davis	Senate Bill No. 90
Cutter	Senate Bill No. 493
Curtin	Senate Bill No. 73
Currier	Senate Bill No. 524
Chapman	Senate Bill No. 435
Burnett	Senate Bill No. 450
Bulla	Senate Bill No. 427
Boyce	Senate Bill No. 464
Bettman	Senate Bill No. 426
Ashe	Senate Bill No. 264

REPORTS OF STANDING COMMITTEES.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly reengrossed Committee Substitute for Senate Bill No. 134—An Act adding four new sections to the Political Code of this State, to be numbered, consecutively, Sections 1678, 1679, 1680, and 1681, authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

Also (engrossed): Senate Bill No. 206—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children, by the erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same.

SHORTRIDGE, Acting Chairman.

Senate Bill No. 206 ordered on file for third reading.

Committee Substitute for Senate Bill No. 134 ordered on file for passage.

ON BANKS AND BANKING—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 23, 1899.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 677—An Act placing all companies selling certificates, bonds, or debentures with coupons attached thereto, on the partial payment or installment plan, doing business in this State under the supervision and control of the State Board of Bank Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 206—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Also: Senate Bill No. 678—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 26, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by the committee.

WOLFE, Chairman.

Senate Bills Nos. 677 and 678 ordered on file for second reading.

Assembly Bill No. 206 ordered on special file of Assembly bills for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Special Committee on Finance, Public Buildings, and Hospitals be reimbursed for expenditures incurred in visiting and inspecting the State Hospital at Napa, amounting to \$75 85, and that the Controller of State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of the Senate, and the same be charged to the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report read.

The question being on the adoption of the report.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Curtin, Dickinson, Doty, Dwyer, Flint, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Taylor, and Wolfe—21.

NOES—None.

MOTION.

Senator Leavitt moved that the Senate urgency file be now considered for the purpose of permitting a proposed substitute for Senate Bill No. 419 being offered.

So ordered.

Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

During the second reading of bill, the following substitute was offered by Senator Braunhart:

SUBSTITUTE FOR SENATE BILL NO. 419.

An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance of horses, except within the racetrack, enclosure, or fair ground wherein such trial or contest shall be had and occur, and to provide a punishment therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person or persons, except within the racetrack, enclosure, or fair ground wherein such trial or contest of skill, speed, or power of endurance of horses shall be had and occur, shall keep or in any capacity assist in keeping any room, shed, tenement, booth, building, or place of any kind, or any part thereof, with any book, instrument, or device for the purpose of recording or registering bets or wagers on, or selling pools upon the result of any trial or contest of skill, speed, or power of endurance of horses, or shall, either as owner, agent, or employé, record, register, wager, or sell any pool upon the result of any such trial or contest, or shall receive or contract to receive any money or representative of money, either as agent, carrier, commission broker, servant, or employé, or in any representative capacity whatsoever, for the purpose of making, placing, recording, or registering any bet, wager, or pool upon the result of such trial or contest, or being the owner, lessee, or custodian of any room, tenement, tent, booth, building, or other place or any part thereof, shall knowingly permit the same to be used or occupied for any purpose prohibited by this Act.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail for not exceeding six months.

SEC. 3. Every State, county, city and county, town or township officer, or other person who shall ask for, receive or collect any money, or other valuable consideration, either for his own or the public use, for and with the understanding that he will aid, exempt, or otherwise assist any person from arrest or conviction for a violation of section one of this Act, or who shall issue, deliver, or cause to be delivered to any person or persons any license, permit, or other privilege giving or pretending to give any authority or right to any person or persons to carry on, conduct, open, or cause to be opened any room, shed, tenement, booth, building or place of any kind, or any part thereof, with any book, instrument or device for the purpose of recording or registering bets or wagers on, or selling pools upon the result of any trial or contest of skill, speed or power of endurance of horses forbidden by section one of this Act, and any of such officer or officers who shall vote for the passage of any ordinance giving, granting, or pretending to give or grant to any person or persons any authority or privilege to open, carry on, conduct, or cause to be opened, carried on, or conducted any room, shed, tenement, booth, building, or place of any kind, or any part thereof, with any book, instrument or device for the purpose of recording or registering bets or wagers on, or selling pools upon the result of any trial

or contest of skill, speed or power of endurance of horses, forbidden by section one of this Act, is guilty of a felony.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Substitute ordered to print.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the further consideration of Senate Bill No. 419 was made special order for three o'clock and thirty minutes P. M. of Monday, February 27, 1899.

MOTION.

Senator Burnett moved that Committee Substitute for Senate Bill No. 134 be now taken up for consideration.

So ordered.

Committee Substitute for Senate Bill No. 134—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Committee Substitute for Senate Bill No. 134 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Doty, Dwyer, Feeney, Hall, La Rue, Maggard, Morehouse, Nutt, Pace, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

Senator Rowell offered the following resolution, and moved its adoption:

Resolved, That the sum of \$142 50 be and the same is hereby appropriated out of the Contingent Fund of the Senate, to pay the traveling expenses of certain members of the Committee on Health, Hospitals, and Quarantine, and the clerk of the committee, on visiting and examining the State Insane Asylum at Patton, San Bernardino County, California, under authority of resolution adopted by this body; and the State Controller is hereby directed to draw his warrant to the order of the Sergeant-at-Arms of the Senate for said sum of \$142 50, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Senator Luchsinger offered the following resolution, and moved its adoption:

Resolved, That a special committee of five each from Committees on Finance and Claims, and State Prisons and Prison Buildings, be empowered to visit and inspect San Quentin Prison, and that they be allowed actual expenses for the trip.

Senator Dickinson moved to amend by making the resolution read as follows:

"Two members of each committee."

Amendment lost.

The question being on the adoption of the resolution.

The same was put, and the resolution adopted.

SPECIAL ORDER SET.

Senator Boyce moved that the consideration of the special urgency file be made special order for eight o'clock P. M. of this day.

The question being on the motion to make the consideration of the special urgency file special order.

The ayes and noes were demanded by Senators Boyce, Taylor, and Braunhart.

The roll was called, and the motion carried by the following vote:

AYES--Senators Ashe, Boyce, Curtin, Doty, Flint, Gillette, Laird, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Stratton Trout, and Wolfe--19.

NOES--Senators Braunhart, Bulla, and Taylor--3.

RECESS.

At four o'clock and thirty minutes P. M., on motion of Senator Bettman, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President *pro tem.* of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Laird, La Rue, Luchsinger, Nutt, Pace, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe--26.

Quorum present.

LEAVE OF ABSENCE.

Senator Maggard was granted a leave of absence for the evening, on motion of Senator Cutter.

Senator Prisk was granted a leave of absence until Monday, February 27, 1899, on motion of Senator Gillette.

RECONSIDERATION OF VOTE.

In compliance with his notice given on yesterday, Senator Wolfe moved a reconsideration of the vote whereby Assembly Joint Resolution No. 12--Relative to exposition at San Francisco, in 1901, of products and industries of the Pacific Ocean countries--was refused adoption.

The roll was called, and the motion to reconsider carried by the following vote:

AYES--Senators Ashe, Bettman, Braunhart, Chapman, Curtin, Cutter, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Luchsinger, Nutt, Pace, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe--22.

NOES--Senators Bulla and Laird--2.

SPECIAL ORDER SET.

On motion of Senator Wolfe, the further consideration of Assembly Joint Resolution No. 12 was made the special order for Monday, February 27, 1899, immediately after reading of the Journal.

MOTION TO RECONSIDER VOTE POSTPONED.

In compliance with his notice given on yesterday, Senator Nutt moved

a reconsideration of the vote whereby Senate Bill No. 170—An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts—was refused passage.

The motion was seconded.

Senator Nutt moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 170 was refused passage be postponed until Monday, February 27, 1899.

So ordered.

SPECIAL ORDER RESET.

On motion of Senator Bettman, the further consideration of Senate Bill No. 440—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 and 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments—a special order heretofore set for this hour, was made a special order for Monday, February 27, 1899, at the head of the special order file.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Dickinson, in compliance with his notice given on yesterday, moved that the vote whereby Assembly Bill No. 44—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State—was refused final passage be reconsidered.

The motion was seconded.

Senator Dickinson moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 44 was refused final passage be postponed until Monday, February 27, 1899.

So ordered.

MOTION TO RECONSIDER.

In compliance with his notice given on February 22, 1899, Senator Laird moved a reconsideration of the vote whereby Assembly Bill No. 261—An Act to amend the Penal Code, by adding a new section thereto, to be numbered 543½, relating to the unauthorized wearing of badges, buttons, and rosettes of societies—was refused final passage.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Braunhart, Chapman, Cutter, Flint, Gillette, Hall, Laird, La Rue, Nutt, Pace, Rowell, Shortridge, and Stratton—13.

NOES—Senators Ashe, Bettman, Bolla, Burnett, Curtin, Dickinson, Doty, Dwyer, Feeney, Hoey, Luchsinger, Simpson, Smith, Trout, and Wolfe—15.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Shortridge asked unanimous consent to postpone until next legislative day the consideration of his motion to reconsider the vote whereby Senate Bill No. 327—An Act providing for liens upon horses or other animals for the cost of shoeing the same—was refused passage, said motion having been made on a previous day.

Unanimous consent granted, and further consideration of motion to reconsider postponed until Monday, February 27, 1899.

MOTION.

Senator Simpson moved that Senate Bill No. 278 be now taken up and considered.

So ordered.

Senate Bill No. 278—An Act to amend Sections 1797 and 1798 of the Code of Civil Procedure of the State of California, relating to guardians and wards.

Read second time, and ordered to engrossment.

SPECIAL ORDER—CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 227—An Act making an appropriation to pay the unpaid claims for bounty on coyote scalps.

Read third time.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Bettman moved a call of the Senate.

Motion carried.

Time, ten o'clock and thirty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Trout, and Wolfe—31.

The Secretary announced that there were absent without leave Senators Boyce, Hall, Leavitt, Stratton, and Taylor.

The Sergeant-at-Arms, having been furnished with the names of the absentees above named, was directed to bring them to the bar of the Senate.

At eleven o'clock P. M., the Sergeant-at-Arms brought to the bar of the Senate Senators Boyce and Hall, who were excused for their absence from the Senate Chamber, on motion of Senator Bettman.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and one minute P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Curtin.

Senators Boyce and Hall having voted, the President pro tem. thereupon declared Senate Bill No. 227 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Feeney, Flint, Jones, Laird, Langford, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, and Smith—22.

NOES—Senators Braunhart, Doty, Dwyer, Gillette, Hall, Hoey, La Rue, Luchsinger, Sims, Trout, and Wolfe—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Morehouse gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 227 was this day passed.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 720—An Act to authorize and permit the use of the Great Seal of the State of California and such other appropriate designs pertaining to the State by the order of the Native Sons of the Golden West, a patriotic order, created and existing under the laws of California, in making of medals to be presented by and under the auspices of said order to the officers and members of the United States volunteer troops from California, who have been in active service in the late war with Spain—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LAIRD, Chairman.

Senate Bill No. 720 ordered on file for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the sum of \$38 70 be and the same is hereby appropriated from the Contingent Fund of the Senate, for the purpose of paying the actual expenses of the sub-committee from the Committees on Finance and Claims and Public Buildings other than Prison Buildings, provided for by resolution adopted February 17. The Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the said amount, and the Treasurer is directed to pay the same.

Also:

Resolved, That the special committee of two from the Senate Committee on Farming, Dairying, and Manufacturing Interests be reimbursed for their expenses incurred in inspecting the proposed free market site in the City of San Francisco, amounting to the sum of \$18, and that the Controller of State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of the Senate, and that the same be charged to the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay said warrant.

Also:

Resolved, That the sum of \$142 50 be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of certain members of the Committee on Health, Hospitals, and Quarantine, and the clerk of the committee, on visiting and examining the State Insane Asylum at Patton, San Bernardino County, California, under authority of resolution adopted by this body; and the State Controller is hereby directed to draw his warrant to the order of the Sergeant-at-Arms of the Senate for said sum of \$142 50, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Cutter, Dickinson, Feeney, Flint, Gillette, Jones, Laird, Luchsinger, Morehouse, Pace, Rowell, Shortridge, Simpson, Smith, Trout, and Wolfe—21.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the State Controller be and is hereby directed to draw his warrant in

favor of the following named persons for the amounts set opposite their names, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same, viz.:

H. H. McPike	\$100 00
A. S. Newburgh	100 00
Francis J. Heney	100 00
D. W. Long	491 40
R. Porter Ashe	143 50
Sylvester Sullivan	50 00
Frank H. Powers	172 50
Eugene F. Bert	182 50
Frank H. Powers and E. F. Bert	96 60
F. H. Kerrigan and G. C. Groezinger	25 00
Mrs. C. S. Whiteman	36 80
Ernest J. Mott	444 60

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Nutt, Pace, Shortridge, Simpson, Sims, Smith, Trout, and Wolfe—29.
 NOES—None.

LEAVE OF ABSENCE.

Senator Dwyer was granted a leave of absence until Monday, February 27, 1899, on his own motion.

ADJOURNMENT.

At eleven o'clock and sixteen minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until ten o'clock A. M. of Saturday, February 25, 1899.

IN SENATE.

SENATE CHAMBER,
 Saturday, February 25, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Friday, February 24, 1899, was read.

The Journal of Wednesday, February 22, 1899, was approved.

PETITION.

Lieutenant-Governor Neff presented the following petition, which was read and ordered printed in the Journal:

AMERICAN WOMEN'S LIBERAL LEAGUE,
515 VAN NESS AVE., SAN FRANCISCO, February 23, 1899. }

To the Honorable Members of the Legislature, Sacramento, California:

GENTLEMEN: At a meeting of the Executive Committee of the American Women's Liberal League, held yesterday afternoon, the following resolutions were unanimously adopted:

WHEREAS, For over thirty years the laborers of both sexes in the State of California have suffered grievous wrongs, at times being publicly robbed of their hard earned money at the hands of certain disreputable employment agencies; and

WHEREAS, Experience has shown that nothing short of penal law will afford adequate relief for this evil; therefore,

Resolved, That the American Women's Liberal League heartily indorses the bill, No. 487, introduced in the State Legislature by senator Ashe, believing it will remedy the abuse long suffered by the working classes; also,

Resolved, That we earnestly request the support of the measure by every member of the Senate and House.

SUSAN M. THEALL, President.
S. M. THRASHER, Secretary.

RESOLUTION.

The following resolution was offered by Senator Stratton:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fifteenth day of the session without the consent of two thirds of the members thereof, be suspended, and that Senator Stratton be and he is hereby permitted to introduce a bill, to be numbered 721.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 2 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Rowell, Shorridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been suspended, the following bill was introduced:

By Senator Stratton: Senate Bill No. 721—An Act to amend Section 1379 of the Political Code, relating to the election of delegates to conventions of political parties at elections known and designated as primary elections.

Read first time, and referred to Committee on Elections.

RESOLUTION.

By Senator Smith:

Resolved, That all attachés of the Senate shall report to the Sergeant-at-Arms daily by nine o'clock A. M., and the Sergeant-at-Arms shall report all delinquencies of attendance to the Senate.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 376—An Act to provide for a free employment department, to be maintained in connection with the Bureau of Labor Statistics—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Assembly Bill No. 376 ordered on special file of Assembly bills for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 651—An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State of California for the benefit of the United States in aiding the State volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 648—An Act to provide for the filling of vacancies in the offices of incorporated cities where there has been a failure of election for more than two years, and a refusal of those last elected to continue in the discharge of the duties of their offices for more than two years, and to provide that the persons appointed to fill such vacancies shall qualify, discharge the duties of such offices until their successors are elected and qualified, and make provision for an election by the legally qualified electors of such incorporated cities to fill such offices; and to provide that the official acts of officers so provisionally appointed and processes served upon them shall be valid—have had the same under consideration, and respectfully report the same back without recommendation.

GILLETTE, Chairman.

Assembly Bill No. 651 ordered on special file of Assembly bills for second reading.

Senate Bill No. 648 ordered on file for second reading.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision have had the amendment of the same under consideration and respectfully report and ask that the following be adopted:

Resolved, That after the completion of the present special urgency file, the third-reading file be considered at such times not inconsistent with existing rules, and that the special file provided for by resolution adopted February 23, 1899, be considered each evening until completed, and thereafter, and from time to time, further special files be made up alphabetically, alternately beginning first with the letter "A," second with the letter "W," and alternating each roll call thereafter in the same manner.

That the rule already adopted limiting the speeches of authors to twenty minutes be amended and changed to ten minutes, and that all other speeches be limited in length to five minutes, except by consent, as in the original rule provided. It shall be the duty of the presiding officer of the Senate to enforce the provisions of this rule.

BETTMAN, Chairman.

SPECIAL ORDER SET.

On motion of Senator Boyce, the further consideration of the report of the Committee on Rules and Revision was made a special order for Monday, February 27, 1899, immediately following the consideration of the special order already set for three o'clock and thirty minutes P. M. of that day.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organiza-

tion, to whom was referred Senate Bill No. 201—An Act to amend Section 158 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 484—An Act to amend Section 3881 of the Political Code.

Also: Senate Bill No. 581—An Act fixing the fee to be charged by any County Recorder in any county.

Also: Senate Bill No. 665—An Act entitled "An Act authorizing the Board of Supervisors of any county from time to time to refund a bonded indebtedness."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 663—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 126—An Act to amend Section 25 of an Act to establish a uniform system of county and township governments, approved April 1, 1897, relating to the powers of Boards of Supervisors.

Also: Senate Bill No. 628—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that authors be requested to withdraw same.

MOREHOUSE, Chairman.

Senate Bills Nos. 201, 484, 581, 665, and 663 ordered on file for second reading.

Action on Senate Bill No. 628 temporarily postponed, in absence of the author.

WITHDRAWAL OF BILL.

Senator Cutter asked for unanimous consent to withdraw Senate Bill No. 126.

Consent granted.

Bill withdrawn and ordered stricken from file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 608—An Act to secure the registration of plumbers, and the supervision of plumbing and drainage in each city, and city and county of the State of California—have had the same under consideration, and because of the lateness of the session, and the fact that the measure is elaborate and makes considerable change in the existing law, it is reported back without recommendation.

ROWELL, Chairman.

Senate Bill No. 608 ordered on file for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 25—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Also: Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Have had the same under consideration, and respectfully report the same back, and recommend that the Senate bill be withdrawn and the Assembly bill do pass.

Also: Senate Bill No. 504—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

DICKINSON, Chairman.

Assembly Bill No. 249 ordered on special file of Assembly bills for second reading.

Senate Bill No. 504 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Rowell asked unanimous consent to withdraw Senate Bill No. 25.

Consent granted.

Bill withdrawn and ordered stricken from the file.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1890.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 574—An Act to pay the claim of Talbot H. Wallis.

Also: Assembly Bill No. 911—An Act to amend the Political Code, by adding a new section thereto, numbered 1166 $\frac{1}{2}$, relating to the organization of committees to represent political parties at primary elections.

Also: Assembly Bill No. 509—An Act providing for the maintenance of a residence for the Governor of the State of California, and empowering the State Capitol Commissioners to provide for the heating, lighting, repairs, and renewal of the furnishings of said residence, and providing for the number and the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary money for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

Also: Assembly Bill No. 435—An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State, at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Also: Senate Bill No. 10 (Substituted for Assembly Bill No. 146)—An Act to amend Sections 3, 4, 5, 6, 7, 8, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, as amended by an Act entitled "An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled 'An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands,' approved April 15, 1880," approved March 19, 1889.

Also: Senate Bill No. 369 (Substituted for Assembly Bill No. 507)—An Act to amend Section 1880 of the Political Code of the State of California, relating to the issue of bonds of school districts.

Also: Indefinitely postponed consideration of Senate Bill No. 94—An Act to amend Section 427 of "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested.

Also: Passed Senate Bill No. 326 (Substituted for Assembly Bill No. 340)—An Act to amend the title to an Act entitled "An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund," to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled "An Act to appropriate money to reimburse the University of California for money heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes, and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893, to amend Section 4 of the same Act, and to appropriate the sum of \$16,747 50 now in the University Fund and unavailable.

Also: Indefinitely postponed action on the report of the committees of conference of the Senate and Assembly on Assembly Bill No. 118—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

POINT OF ORDER.

In connection with the information conveyed by the foregoing Assembly message, Senator Bulla arose and made the following point of order: "That neither Senate nor Assembly has the right to indefinitely postpone action on the report of a committee of conference; that Rule XXIII of the Joint Rules of Senate and Assembly set forth the proceed-

ings to be followed in the event of either house refusing to adopt the report of a committee of conference, namely: the appointment of a committee of free conference."

The President decided the point of order well taken.

Senator Bulla thereupon moved that the Secretary prepare a message to the Assembly, calling its attention to the fact that it exceeded its authority by indefinitely postponing action on conference committee report, and therein to request the Assembly to comply with the joint rules by rescinding the action complained of, and forthwith proceed to appoint a committee of free conference for the further consideration of Assembly Bill No. 118 and the Senate amendments thereto.

Motion carried, and such was the order.

Assembly Bill No. 574 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 911 read first time, and referred to Committee on Elections.

Assembly Bill No. 509 read first time, and referred to Committee on Public Buildings other than Prison Buildings.

Assembly Bill No. 435 read first time, and referred to Committee on Finance and Claims.

Senate Bills Nos. 10, 369, and 326 ordered to enrollment.

ASSEMBLY MESSAGES—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 914—An Act to add a new section to the Political Code, to be known and numbered as Section 540, creating the State Printing Fund, authorizing its use, and the duties of the Superintendent of State Printing, Controller, and Treasurer in connection therewith, all relating to State printing.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

SUSPENSION OF RULES.

On motion of Senator Dickinson, the rules were suspended, and Assembly Bill No. 914 ordered on file without reference to committee.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Dickinson:

Resolved, That Assembly Bill No. 914 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

Senator Dickinson moved its adoption.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe 28.
NAYS—Senator Boyce—1.

• CASE OF URGENCY.

Assembly Bill No. 914—An Act to add a new section to the Political Code, to be known and numbered as Section 540, creating the State

Printing Fund, authorizing its use, and describing the duties of the Superintendent of State Printing, Controller, and Treasurer, in connection therewith, all relating to State printing.

On motion of Senator Dickinson, consideration of the above bill was temporarily postponed.

BILL TAKEN UP OUT OF ORDER.

Senator Flint asked unanimous consent to take up Senate Bill No. 720, for the purpose of second reading and amendment.

Consent granted, and the bill ordered taken up.

SECOND READING OF BILL.

Senate Bill No. 720—An Act to authorize and permit the use of the Great Seal of the State of California and such other appropriate designs pertaining to the State by the order of the Native Sons of the Golden West, a patriotic order created and existing under the laws of California, in making of medals to be presented by and under the auspices of said order to the officers and members of the United States volunteer troops from California who have been in active service in the late war with Spain.

During the second reading of bill, the following amendment was offered by Senator Flint:

Amend by adding in Section 1, line 9, after the word "Spain," the following: "or to the children, parents, or brothers and sisters, in the order named, of any thereof who have died in such service."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senator Pace moved that the special urgency file be now considered. So ordered.

Senate Bill No. 487—An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653½, relating to the fees charged by employment agencies.

During the second reading of bill, the following substitute was offered by Senator Bettman:

SUBSTITUTE FOR SENATE BILL NO. 487.

An Act to provide for the giving of bonds by the keepers of intelligence offices, defining the same, and their liabilities.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person, firm, or corporation now carrying on or conducting the business of an employment or intelligence office in this State shall, within sixty days after this Act takes effect, or before such persons, firm, or corporation shall thereafter commence to conduct such business, file with the Clerk of the county or city and county within which such business is or is sought to be transacted, a bond to the people of the State of California in the penal sum of five thousand dollars, with two sureties or with some guarantee surety company approved by a Judge of a Superior Court of said county, or city and county, conditioned that the obligor will pay to any client or customer of said obligor, to whom intelligence for employment shall be by him or her or through the agency of him or her furnished and paid for, any and all fees paid and necessary traveling expenses which such client or customer may have incurred by reason of such intelligence for employment having been fraudulently represented by said obligor or agency, and also that execution upon any judgment against said obligor for any such fees or expenses may be issued against said obligor and said sureties severally.

SEC. 2. If, at any time, the Clerk of any county or city and county with whom such bond has been filed, or in whose custody such bond may be on file, shall be informed in writing that the sureties, or any of them, on any bond described in Section 1 of this Act have died or removed from the county, or city and county, or become unable to pay the said penalty of such bond, the Clerk shall immediately notify in writing by mail the obligor in such bond to file within twenty days a new bond in said penal sum, with sureties, to be approved by a Superior Judge of said county, or city and county, as in Article I of this Act is provided.

SEC. 3. Upon the recovery of any judgment, in any court of competent jurisdiction against the obligor in any bond filed as required by Section 1 of this Act, execution shall be issued against the property of the said obligor and his sureties severally, as in said bond conditioned; *provided, however*, that proceedings upon any such judgment may be stayed as is provided in other cases.

SEC. 4. No license shall be issued to any keeper of an intelligence office, as is provided in Section 3380 of the Political Code of this State, until there shall have been filed with the Clerk of the county, or city and county where the business is to be conducted, the approved bond required by Section 1 of this Act.

SEC. 5. Any person who shall conduct or carry on any intelligence office in this State without complying with the provisions of this Act shall be guilty of a misdemeanor, and upon each conviction thereof shall be fined in a sum not exceeding \$500, or imprisoned in the county jail for a term not exceeding sixty days.

SEC. 6. Every County Clerk in this State shall keep in his office an index of bonds which may be filed with him under the provisions of this Act, showing the names of all the parties to such bonds.

SEC. 7. For the purposes of this Act, all persons, firms, or corporations who shall receive compensation, in any manner, for finding situations for any employes or for furnishing information where employment may be obtained, shall be held to be intelligence offices.

SEC. 8. This Act shall take effect immediately.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
Substitute read.

The question arising on the adoption of the substitute as an amendment to bill.

The same was put and lost.

Bill read second time and passed on file, on motion of Senator Ashe.

Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases.

Bill read third time and passed on file, on motion of Senator Curtin.

Senate Bill No. 415—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries at Sisson and Price Creek.

WITHDRAWAL OF BILL.

Senator Cutter asked for and was granted unanimous consent to withdraw Senate Bill No. 415.

So ordered.

Senate Bill No. 415 withdrawn and ordered stricken from the file.

SUSPENSION OF RULES.

On motion of Senator Cutter, the rules were suspended for the purpose of considering Assembly Bill No. 326—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries at Sisson and Price Creek—it being identical with Senate Bill No. 415, this day withdrawn.

SECOND READING OF BILL.

Assembly Bill No. 326—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries at Sisson and Price Creek.

Bill read second time, and ordered on special file of Assembly bills for third reading.

SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 695—An Act to amend Section 5 of an Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made, approved March 24, 1893.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 695 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Feeney, Hall, Hoey, La Rue, Luchsinger, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—Senator Dickinson—1.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Smith gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 695 was this day passed.

MOTION.

Senator Dickinson moved that the Senate proceed to take up and consider Assembly Bill No. 914, this day made a case of urgency and action thereon temporarily postponed.

Motion carried.

SECOND READING OF BILL.

Assembly Bill No. 914—An Act to add a new section to the Political Code, to be known and numbered as Section 540, creating the State Printing Fund, authorizing its use, and describing the duties of the Superintendent of State Printing, Controller, and Treasurer, in connection therewith, all relating to State printing.

During second reading of bill, the following amendments were offered:
By Senator Dickinson:

Amend by inserting after the word "printing," on line 20, Subdivision IV, Section 1, printed bill, the words "subject to the approval of the Board of Examiners"

Amendment adopted.

Amend by striking out of Subdivision VII of Section 1, line 43, the word "one," and inserting in lieu thereof the word "three."

Amendment adopted.

By Senator Rowell:

Amend by striking out the word "regents," in line 13, Section 1.

At eleven o'clock and forty-two minutes A. M., Hon. Edward I. Wolfe, State Senator from the Twenty-first Senatorial District, in the chair.

At eleven o'clock and fifty-seven minutes A. M., and during the discussion on the advisability of adopting the amendment offered by Senator Rowell, its further consideration was postponed until the Senate's return this day from the Joint Assembly, on motion of Senator Dickinson.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon Thomas Flint, Jr., President pro tem. of the Senate, having resumed the chair, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 25, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—30.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Barry, Blood, Boone, Boynton, Brooke, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Laucie, Dibble, Dunlap, Fehz, Greenwell, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kennecally, Knights, Knowland, La Barge, Le Baron, Lardner, Lundquist, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Mehek, Merrill, Merritt, Meserve, Milce, Miller of Los Angeles, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—63.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Friday, February 24, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, February 24, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For *W. H. L. Barnes*—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
 For *R. N. Bulla*—Senators Gillette and Taylor—2.
 For *D. M. Burns*—Senators Bettman, Burnett, Hoey, Laird, Shortridge, Simpson, and Wolfe—7.
 For *U. S. Grant, Jr.*—Senators Boyce, Cutter, Jones, Nutt, Smith, and Trout—6.
 For *Thomas R. Bard*—Senators Flint and Rowell—2.
 For *Irving M. Scott*—Senator Davis—1.
 For *John Rosenfeld*—Senator Feeney—1.
 For *Stephen M. White*—Senators Ashe, Brauhart, Chapman, Curtin, Doty, La Rue, Pace, and Sims—8.
 For *James D. Phelan*—Senator Hall—1.

Whole number of votes cast by Senators	32
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	6 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	8 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

- For *W. H. L. Barnes*—Messrs. Anderson, Clough, Knights, Knowland, and Lardner—5.
 For *M. M. Estee*—Mr. Wade—1.
 For *R. N. Bulla*—Messrs. Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—8.
 For *D. M. Burns*—Messrs. Arnerich, Barry, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Pierce, Rickard, and Wright—15.
 For *U. S. Grant, Jr.*—Messrs. Blood, Cargill, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Alameda, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—16.
 For *Irving M. Scott*—Mr. Dunlap—1.
 For *Marion De Vries*—Mr. Brooke—1.
 For *Thomas R. Bard*—Mr. Greenwell—1.
 For *John Rosenfeld*—Mr. Crowley—1.
 For *Stephen M. White*—Messrs. Boone, Caminetti, Cowan, Feliz, Mead, Meserve, O'Brien, Sanford, E. D. Sullivan, Wardell, and White—11.
 For *James D. Phelan*—Messrs. Burnett and Hoey—2.

Whole number of votes cast by Assemblymen	62
W. H. L. Barnes received	5 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	8 votes.
D. M. Burns received	15 votes.
U. S. Grant, Jr., received	16 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Thomas R. Bard received	1 vote.
Stephen M. White received	11 votes.
John Rosenfeld received	1 vote.
James D. Phelan received	2 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	94
Necessary to a choice.....	48
W. H. L. Barnes received.....	9 votes
M. M. Estee received.....	1 vote.
R. N. Bulla received.....	10 votes.
D. M. Burns received.....	22 votes.
U. S. Grant, Jr., received.....	22 votes.
Thomas R. Bard received.....	3 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	19 votes.
James D. Phelan received.....	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Senator Cutter, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Monday, February 27, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-nine minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Brauhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout and Wolfe—30.

Quorum present.

HOOR FOR RECESS EXTENDED.

On motion of Senator Cutter, the hour for declaring a recess for this day was extended to one o'clock and fifteen minutes P. M.

CONSIDERATION OF PROPOSED AMENDMENT.

Assembly Bill No. 914—An Act to add a new section to the Political Code, to be known and numbered as Section 540, creating the State Printing Fund, authorizing its use, and describing the duties of the Superintendent of State Printing, Controller, and Treasurer in connection therewith, all relating to State printing.

The question being on the adoption of the amendment offered to above bill by Senator Rowell, which reads as follows:

Amend by striking out the word "regents," in line 13, Section 1.

Amendment lost.

Bill read second time, ordered to print and on special file of Assembly bills for third reading.

MOTION.

Senator Cutter moved that messages from the Assembly be taken up for consideration.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 997—An Act to provide for an appropriation for the contingent expenses of the Assembly.

Also: Assembly Bill No. 998—An Act to provide for an appropriation for pay of officers and clerks of the Assembly.

Said two bills, being declared a matter of urgency, were passed under a suspension of the provision of Section 15 of Article IV of the Constitution.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bills Nos. 997 and 998 read first time.

SUSPENSION OF RULES.

On motion of Senator Cutter, the rules were suspended and Assembly Bills Nos. 997 and 998 ordered on file without reference to committee.

SUSPENSION OF CONSTITUTIONAL PROVISION.

The following resolution was offered by Senator Cutter:

Resolved, That each of Assembly Bills Nos. 997 and 998 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that each of said bills be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 997—An Act to provide for an appropriation for the contingent expenses of the Assembly.

Bill read second and third times.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 997 finally passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Feeney, Flint, Gillette, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Assembly Bill No. 998—An Act to provide for an appropriation for pay of officers and clerks of the Assembly.

Bill read second and third times.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 998 finally passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Assembly Bills Nos. 997 and 998 ordered immediately transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Senate Bill No. 308—An Act to establish a uniform system of county and township governments—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute therefor be adopted and do pass.

MOREHOUSE, Chairman.

Committee Substitute for Senate Bill No. 308 ordered to print, and bill ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 911—An Act to amend the Political Code by adding a new section thereto, numbered 1186½, relating to the organization of committees to represent political parties at primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STRATTON, Chairman.

Assembly Bill No. 911 ordered on special file of Assembly bills for second reading.

BILL ORDERED ON SPECIAL FILE.

On motion of Senator La Rue, Assembly Bill No. 353—An Act to amend an Act entitled "An Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883; providing for an increase of the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893; reducing the amount of such appropriation per capita—was ordered on Senate special file.

CERTIFICATE TO BE PRINTED.

On motion of Senator Boyce, the State Printer was ordered to print several copies of a certificate authenticating the recently adopted and approved charter of the City of Santa Barbara, of the State of California.

ADJOURNMENT.

At one o'clock and four minutes P. M., on motion of Senator Cutter, the Senate was declared adjourned until eleven o'clock and thirty minutes A. M. of Monday, February 27, 1899.

IN SENATE.

SENATE CHAMBER,

Monday, February 27, 1899. }

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, February 25, 1899, was read.

The Journal of Thursday, February 23, 1899, was approved.

SPECIAL ORDER RESET.

The special order heretofore set for this hour, being the consideration of Senate Bill No. 440, was postponed until Tuesday, February 28, immediately after reading of the Journal.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 721—An Act to amend Section 1379 of the Political Code, relating to the election of delegates to conventions of political parties at elections known and designated as primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STRATTON, Chairman.

RESOLUTION.

The following resolution was offered by Senator Stratton:

Resolved, That Senate Bill No. 721 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

Senator Stratton moved its adoption.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Chapman, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Taylor—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 721—An Act to amend Section 1379 of the Political Code, relating to the election of delegates to conventions of political parties at elections known and designated as primary elections.

Read second time and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 721 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—27.
NOES—Senators Davis and Smith—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

On request of Senator Davis, the following statement was ordered printed in the Journal, as explanation of his vote on the bill referred to:

MR. PRESIDENT: I desire to explain my vote on this bill. I am in favor of the Stratton primary bill—Senate Bill No. 30—and the principles therein contained. That bill has passed both houses, but has not yet been signed by the Governor. The bill now presented to us is an amendment to one of the sections of that bill, and is designed to promote its favorable consideration elsewhere. I must, however, vote against the bill now presented, because it purports to be an amendment of a section of the Political Code not yet in existence. I suggest that the proper way to accomplish the object desired by the Senator from Alameda would be to take the primary bill in the Assembly, which is an exact duplicate of Senate Bill No. 30, and is now upon second reading in that body, amend it in accordance with the ideas now submitted by the Senator from Alameda, and, under the usual emergency resolution, have it passed by both houses to-day, and sent to the Governor.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 27, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—32.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Mihce, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—74.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Saturday, February 25, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Saturday, February 25, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.

For R. N. Bulla—Senators Gillette and Taylor—2.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Thomas R. Bard—Senators Flint and Rowell—2.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Davis, Doty, Dwyer, La Rue, Pace, and Sims—10.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	35
W. H. L. Barnes received	4 votes.
R. N. Bulla received	2 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Thomas R. Bard received	2 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Clough, Knights, Knowland, Lardner, and Muentner—7.
 For M. M. Estee—Mr. Wade—1.
 For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Barea, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
 For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Jilson, Johnson, Kelley, Keisey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—18.
 For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.
 For Irving M. Scott—Mr. Dunlap—1.
 For Marion De Vries—Mr. Brooke—1.
 For Stephen M. White—Messrs. Caminetti, Cowan, Feliz, Glenn, Griffin, Hanley, Mead, Meserve, Sanford, Stewart, E. D. Sullivan, Wardell, and White—13.
 For James D. Phelan—Messrs. Burnett, Hoey, and O'Brien—3.
 For John Rosenfeld—Mr. Crowley—1.
 For Thomas R. Bard—Mr. Greenwell—1.

Whole number of votes cast by Assemblymen	74
W. H. L. Barnes received	7 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	18 votes.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	13 votes.
John Rosenfeld received	1 vote.
James D. Phelan received	3 votes.
Thomas R. Bard received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	109
Necessary to a choice	55
W. H. L. Barnes received	11 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	11 votes.
D. M. Burns received	26 votes.
U. S. Grant, Jr., received	26 votes.
Thomas R. Bard received	3 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	23 votes.
James D. Phelan received	4 votes.
Marion De Vries received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and fifteen minutes p. m., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock m. of Tuesday, February 28, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-nine minutes P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Also: Senate Bill No. 7—An Act for the relief of John Mullan, and to appropriate money therefor.

Also: Senate Joint Resolution No. 11—Relative to money due and unpaid to the State of California from the National Government for fitting out volunteers.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 25th day of February, 1899, at two o'clock and five minutes P. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 278—An Act to amend Sections 1797 and 1798 of the Code of Civil Procedure of the State of California, relating to guardians and wards.

Also (reengrossed): Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

Also: Senate Bill No. 720—An Act to authorize and permit the use of the Great Seal of the State of California, and such other appropriate designs pertaining to the State, by the order of the Native Sons of the Golden West, a patriotic order, created and existing under the laws of California, in the making of medals to be presented by and under the auspices of said order to the officers and members of the United States volunteer troops from California, who have been in active service in the late war with Spain.

JONES, Chairman.

Senate Bill Nos. 278, 9, and 720 ordered on file for third reading.

SUBSTITUTES ORDERED TO PRINT.

On motion of Senator Simpson, the proposed substitute for Senate Bill No. 27 was ordered to print.

On motion of Senator Stratton, the proposed substitute for Senate Bill No. 358 was ordered to print.

RECESS.

At twelve o'clock and thirty-five minutes P. M., the hour of recess having arrived, the President declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—26.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Passed on file.

Assembly Bill No. 182—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners, approved March 4, 1881 (Stats. 1881, 26), relating to assessing and collecting said taxes.

Passed on file.

Assembly Bill No. 354—An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 354 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Dwyer, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Nutt, Pace, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator La Rue moved that Assembly Bill No. 651 be exchanged on file and taken up for consideration in place of Assembly Bill No. 352—An Act relating to the disposition of moneys belonging to deceased inmates of public institutions supported in whole or in part by State aid and under the control of boards appointed by the Governor.

So ordered.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS—(RESUMED).

Assembly Bill No. 651—An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the

State of California for the benefit of the United States in aiding the State volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful.

During the second reading of bill, the following amendment was offered by Senator Smith:

Amend by striking out the word "fifteen," in line 5, Section 2, printed bill, and inserting in lieu thereof the word "ten."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 324—An Act to change and permanently locate the boundary line between the counties of Shasta and Lassen.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 324 finally passed by the following vote:

AYES—Senators Bettman, Chapman, Davis, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 250—An Act to amend Section 3608 of the Political Code of the State of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue; and to add new sections, to be known as Sections 3609 and 3610, also relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 250 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Morehouse, Pace, Rowell, Simpson, Smith, Stratton, Taylor, and Trout—23.

NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 458—An Act to amend the Penal Code by adding a section thereto, to be numbered 623½, relating to the detention of books and other property belonging to any public or incorporated library, reading-room, museum, or other educational institution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 458 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Dwyer, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 151—An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations,"

approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also, to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also, to provide for the cremation of the unclaimed dead and bodies liable, if interred, to spread disease.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 151 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—25.

NOES—Senator Jones—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 257—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 257 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Smith, Stratton, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 420—An Act to add a new section to the Political Code, to be known as Section 1890, relating to fire-escapes on school buildings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 420 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At two o'clock and fifty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 22—An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

Read second time, open for further amendments.

Assembly Bill No. 90—An Act to amend Section 357 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the marking and branding of domestic animals, and the alteration or defacement of marks and brands on domestic animals.

Read second time, and ordered to third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was re-referred Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, and 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Senator Davis moved that further consideration of Assembly Bill No. 660 be postponed until next legislative day, but to retain its place on file.

Assembly Bill No. 5—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

Read third time.

Senator Bulla moved that Senator Davis be appointed a special committee of one to amend the bill.

The hour for the consideration of the special file of Assembly bills having expired, Senator Davis moved that further consideration of Assembly Bill No. 5 be postponed until two o'clock P. M. of Tuesday, February 28, 1899.

So ordered.

SPECIAL ORDER RESET.

On motion of Senator Brauhart, the special order heretofore set for this hour, being the consideration of Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code—was postponed until three o'clock and thirty minutes P. M. of Tuesday, February 28, 1899.

SPECIAL ORDER.

The consideration of the report of the Committee on Rules and Revision having been set as a special order for this hour, the same was taken up and read.

REPORT OF COMMITTEE ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, February 24, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision have had the amendment of the same under consideration, and respectfully report and ask that the following be adopted:

Resolved, That after the completion of the present special urgency file, the third-reading file be considered at such times not inconsistent with existing rules, and that the special file provided for by resolution adopted February 23, 1899, be considered each evening until completed, and thereafter, and from time to time, further special files be made up alphabetically, alternately beginning first with the letter "A," second with the letter "W," and alternating each roll call thereafter in the same manner.

Also: That the rule already adopted limiting the speeches of authors to twenty minutes be amended and changed to ten minutes, and that all other speeches be limited in length to five minutes, except by consent, as in the original rule provided. It shall be the duty of the presiding officer of the Senate to enforce the provisions of this rule.

BETTMAN, Chairman.

Senator Bulla moved to amend the report as follows:

Insert the words "second and" before the words "third reading."

Amendment adopted.

Also: Amend by adding the letter "s" to the word "file" after the words "third reading."

Amendment adopted.

The question being on the adoption of the first part of the report as amended.

Resolved, That after the completion of the present special urgency file, the second and third reading files be considered at such times not inconsistent with existing rules, and that the special file provided for by resolution adopted February 23, 1899, be considered each evening until completed, and thereafter, and from time to time, further special files be made up alphabetically, alternately beginning first with the letter "A," second with the letter "W," and alternating each roll call thereafter in the same manner.

The same was put and adopted.

The question being on the adoption of the second part of the report.

The ayes and noes were demanded by Senators Leavitt, Morehouse, and Shortridge.

The roll was called, and second part of the report lost by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Cutter, Davis, Dwyer, Flint, Gillette, Hall, Jones, Laird, Luchsinger, Pace, Sims, Stratton, Taylor, and Trout—18.

NOES—Senators Bettman, Burnett, Chapman, Curtin, Dickinson, Doty, Hoey, La Rue, Leavitt, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, and Wolfe—16.

CONSIDERATION OF MOTIONS TO RECONSIDER POSTPONED.

Senator Wolfe, in compliance with his notice given on yesterday, moved that the vote whereby Assembly Joint Resolution No. 12, relative to exposition in San Francisco, in 1901, of products and industries of Pacific Ocean countries, was refused adoption be reconsidered.

The motion was seconded.

Senator Wolfe moved that further consideration of the motion to reconsider the vote whereby Assembly Joint Resolution No. 12 was refused adoption be postponed until Wednesday, March 1, 1899.

So ordered.

Senator Dickinson asked unanimous consent to postpone until next legislative day the consideration of his motion to reconsider the vote whereby Assembly Bill No. 44—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State—was refused passage, said motion having been made on a previous day.

Unanimous consent granted, and further consideration of motion to reconsider postponed until Tuesday, February 28, 1899.

Senator Shortridge asked unanimous consent to postpone until next legislative day the consideration of his motion to reconsider the vote whereby Senate Bill No. 327—An Act providing for liens upon horses

and other animals for the cost of shoeing the same—was passed, said motion having been made on a previous day.

Unanimous consent granted, and further consideration of motion to reconsider postponed until Thursday, March 2, 1899.

Senator Smith, in compliance with his notice given on yesterday, moved that the vote whereby Senate Bill No. 695—An Act to amend Section 5 of an Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made, approved March 24, 1893—was passed be reconsidered.

The motion was seconded.

Senator Smith moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 695 was passed be postponed until Tuesday, February 28, 1899.

So ordered.

Senator Cutter moved that Senate Bill No. 10 be recalled from enrollment.

So ordered.

WITHDRAWAL OF BILLS.

Senator Curtin asked unanimous consent to withdraw Senate Bill No. 389—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 29, 1895.

Consent granted.

Bill withdrawn and ordered stricken from file.

Senator Gillette asked unanimous consent to withdraw Senate Bill No. 501—An Act authorizing the location and sale of mining claims upon public lands of the State.

Consent granted.

Bill withdrawn and ordered stricken from file.

RECESS.

At four o'clock and fifteen minutes P. M., on motion of Senator Dickinson, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

Quorum present.

MOTION.

Senator Davis moved to have Senate Bill No. 662—An Act to amend Section 1416 of the Civil Code, relative to water-rights—placed on the Senate special file, in accordance with the resolution adopted on a previous day by the Senate providing for the same.

So ordered.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Nutt asked unanimous consent to postpone until next legislative day the consideration of his motion to reconsider the vote whereby Senate Bill No. 170—An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts—was refused passage, said motion having been made on a previous day.

Unanimous consent granted, and further consideration of motion to reconsider postponed until Tuesday, February 28, 1899.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 27, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 326—An Act to amend the title to an Act entitled "An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled 'An Act to appropriate money to reimburse the University of California for money heretofore appropriated to the endowment fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893; to amend Section 4 of the same Act, and to appropriate the sum of \$16,747 50, now in the University Fund and unavailable—and report that the same has been correctly enrolled, and presented the same to the Governor on this 27th day of February, 1899, at twelve o'clock and thirty minutes P. M.

Also: Senate Bill No. 369—An Act to amend Section 1880 of the Political Code of the State of California, relating to the issue of bonds of school districts—and report that the same has been correctly enrolled, and presented the same to the Governor on this 27th day of February, 1899, at eleven o'clock and forty-five minutes A. M.

JONES, Chairman.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 27—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease, by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carrier in this State, of any or all of the property and franchises owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease, by any such corporation, as above mentioned, of any such property or franchises, or both, which it may own, use, or hold, wholly or partially in this State.

Passed on file.

Senate Bill No. 206—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children, by the erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 206 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Read third time.

Senator Laird moved that Senator Sims be appointed a special committee of one to amend the bill as follows:

Amend by striking out all after the word "pharmacists" in line 9 of Section 3, and inserting in lieu thereof the following: "that practicing pharmacists are those who at the passage of this Act are owners of pharmacies or employes who have had ten years' actual experience compounding physicians' prescriptions in this State."

Motion lost.

Senator Morehouse moved that Senator Ashe be appointed a special committee of one to amend the bill as follows:

Amend by striking out all after the word "pharmacist," in Section 1, line 13, printed bill, to and including the word "time" in line 16 of said Section 1.

Motion lost.

Senator Laird moved that Senator Simpson be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 3, lines 9, 10, 11, and 12, and inserting the following after the word "pharmacists," line 9, "or persons who have had ten years' actual practical experience in preparing, compounding, and dispensing of medicines, drugs, and poisons, and the compounding and dispensing of prescriptions of medical practitioners in a pharmacy in this State, previous to the passage of this Act."

Motion lost.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Bettman, Davis, and Simpson.

The roll was called, and a call of the Senate refused by the following vote:

AYES—Senators Bettman, Boyce, Burnett, Cutter, Davis, Feeney, Jones, Leavitt, Pace, Rowell, Simpson, and Wolfe—12.

NOES—Senators Braunhart, Bulla, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Laird, La Rue, Luchsinger, Morehouse, Nutt, Sims, Smith, Stratton, and Trout—18.

The President pro tem. thereupon declared Senate Bill No. 240 refused passage by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Cutter, Davis, Dickinson, Dwyer, Feeney, Jones, La Rue, Leavitt, Pace, Rowell, and Simpson—15.

NOES—Senators Bulla, Burnett, Curtin, Doty, Flint, Gillette, Hall, Laird, Luchsinger, Morehouse, Nutt, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 240 was this day refused passage.

LEAVE OF ABSENCE.

Senator Simpson was granted leave of absence for the evening, on his own motion.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 174—An Act making an appropriation to pay the claim of Julius Herzog, for injuries sustained while in the service of the National Guard of California.

During the second reading of bill, the following amendment was offered by Senator Wolfe:

Amend Section 3 so that said section shall read as follows:

"Sec. 3. This Act shall take effect on and after January first, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 363—An Act to amend Section 2022 of the Political Code of California.

Read second time, and ordered to engrossment.

LEAVE OF ABSENCE.

Senator Wolfe was granted leave of absence for the evening, on his own motion.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Passed on file.

Assembly Bill No. 607—An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor.

Read second time, and ordered to third reading.

Senate Bill No. 311—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

During the second reading of bill, the following amendment was offered by Senator Sims:

Amend by striking out of the enacting clause the word "the," before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 620—An Act making an appropriation to pay the claim of John W. Mitchell for legal services.

Read second time, and ordered to engrossment.

Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by authorizing the Board of Trustees of said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "five," in line 3, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the word "sixteen," in line 1, Section 3, page 2, printed bill, and inserting in lieu thereof the word "eleven."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 367—An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto.

Senator Dickinson moved to deny the bill second reading.

Motion lost.

Read second time, and ordered to engrossment.

Senate Bill No. 442—An Act to amend Section 949 of the Code of Civil Procedure, relating to what cases wherein an appeal stays proceedings.

During the second reading of bill, the following amendment was offered by Senator Morehouse:

Amend by striking out of the enacting clause the word "the," before the word "Senate."

Amendment adopted.

The following amendment was submitted by the committee:

Amend by adding the words "unless the Judge who tried the case shall order otherwise," after the word "Code," first changing period to comma in line 18, Section 1, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 515—An Act to provide for the organization and management of livestock insurance companies.

Read second time.

Senator Boyce moved to deny the bill engrossment.

Motion lost.

Bill ordered to engrossment.

Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "State Treasury not otherwise appropriated," in lines 3 and 4, Section 1, printed bill, and inserting in lieu thereof the words "San Francisco Harbor Improvement Fund."

Amendment adopted.

Also: Amend by striking out the words "and the Treasurer is directed to pay the same out of the appropriation made by this Act," in lines 6 and 7, Section 2, printed bill, and inserting in lieu thereof the following: "and that said warrant be payable out of the San Francisco Harbor Improvement Fund."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 228—An Act appropriating \$80,000 to complete and equip the building now being constructed for the use of the State Normal School of San Diego, California.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "eighty," in line 3, Section 1, page 1, printed bill, and inserting in lieu thereof the word "forty-five."

Amendment adopted.

Also: Amend by striking out the word "immediately," in line 1, Section 3, page 1, printed bill, and inserting in lieu thereof the following: "the first day of January, nineteen hundred."

Amendment adopted.

Also: Amend by inserting after the word "completing," in line 5, Section 1, the words "one wing."

Amendment adopted.

Also: Amend by striking out the word "eighty," in line 1 of the title, and inserting in lieu thereof the word "forty-five."

Amendment adopted.

The following amendments were offered by Senator Nutt:

Amend by inserting after the words "one wing," inserted by committee amendment in line 5, Section 1, after the word "completing," the word "of."

Amendment adopted.

Also: Amend by inserting after the word "complete" in line 1 of the title the following: "one wing of."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

MOTION TO ADJOURN.

Senator Bettman moved that the Senate do now adjourn.

The question being on the adoption of the motion.

The ayes and noes were demanded by Senators Doty, Burnett, and Braunhart.

The roll was called, and the motion to adjourn lost by the following vote:

AYES—Senators Bettman, Chapman, Cutter, Flint, Gillette, La Rue, Pace, Rowell, Sims, and Trout—10.

NOES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Curtin, Davis, Dickinson, Doty, Dwyer, Jones, Luchsinger, Nutt, Smith, Stratton, and Taylor—16.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel.

During the second reading of bill, the following amendment was offered by Senator Morehouse:

Amend by adding at the end of Section 1 the following: "Where the work of any author is contained in a book or pamphlet it shall be sufficient that the name of the author be printed upon the cover or upon a leaf therein, and where any publisher in the regular course of business publishes as news telegraphic dispatches not furnished or forwarded by telegraph as news by a telegraphic news agency, established and engaged in forwarding telegraphic news to various different publishers as a business, and having an established business name as such a news agency, it shall be sufficient as to such dispatches that the said business name of such telegraphic news agency be printed in connection with such dispatches as the forwarder of the same."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897.

Passed on file.

Senate Bill No. 359—An Act to regulate the practice of architecture.

During the second reading of bill, the following amendment was offered by Senator Luchsinger:

Amend by striking out of Section 1, line 32, the word "lawyers," and inserting the word "architects."

Senator Dickinson moved that Senate Bill No. 359 be denied second reading.

MOTION TO ADJOURN.

Senator Cutter moved that the Senate do now adjourn.

The question being on the adoption of the motion to adjourn.

The ayes and noes were demanded by Senators Bulla, Curtin, and Boyce.

The roll was called, and the motion to adjourn lost by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Chapman, Cutter, Dickinson, Flint, Morehouse, Rowell, Sims, and Smith—11.

NOES—Senators Braunhart, Bulla, Burnett, Curtin, Davis, Doty, Dwyer, Gillette, Jones, La Rue, Luchsinger, Nutt, Pace, Stratton, Taylor, and Trout—16.

The question being on the adoption of the motion to deny second reading.

The ayes and noes were demanded by Senators Braunhart, Nutt, and Smith.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bettman, Boyce, Burnett, Curtin, Dickinson, Jones, Sims, Smith, Stratton, Taylor, and Trout—11.

NOES—Senators Ashe, Braunhart, Bulla, Chapman, Davis, Doty, Dwyer, Flint, Gillette, La Rue, Luchsinger, Morehouse, Nutt, Pace, and Rowell—15.

ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., on motion of Senator Morehouse, the Senate was declared adjourned until ten o'clock A. M. of Tuesday, February 28, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 28, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Monday, February 27, 1899, was read.

The Journal of Friday, February 24, 1899, was approved.

MOTION.

Senator Cutter moved that Senate Bill No. 10—An Act to amend Sections 3, 4, 5, 6, 7, 8, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, as amended by an Act entitled "An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled 'An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands,' approved April 15, 1880," approved March 19, 1889—which was recalled from enrollment on yesterday, for the purpose of correction, be returned to enrollment.

So ordered.

SPECIAL ORDER SET.

On motion of Senator Dickinson, the consideration of all Senate constitutional amendments on file were set as a special order for Thursday, March 2, 1899, immediately after reading of the Journal.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 675—An Act creating a commission to make an investigation and report upon the subject of reform in State taxation, and making an appropriation therefor

Also: Senate Bill No. 472—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a reformatory for the confinement and reformation of prison convicts; to select and secure a site and submit sketch plans and specifications therefor; to investigate and report upon the feasibility of the sale of the property belonging to the State at San Quentin, and of segregating the prisoners into classes looking to the confinement of incorrigibles at Folsom Prison, to enlarge said prison for that purpose, and

to the confinement of those capable of reformation at such reformatory when established, and to make an appropriation for such purposes.

Also: Senate Bill No. 402—An Act authorizing the Superintendent of Public Instruction to purchase necessary metallic filing and book cases, and to furnish and repair his office, and making an appropriation therefor.

Also: Senate Bill No. 298—An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern metallic book-cases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor.

Also: Assembly Bill No. 662—An Act making an appropriation to pay the salaries of the employes of the Commissioner of Public Works.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 455—An Act making an appropriation to pay the claim of D. L. Blanchard, for supplying provisions to a company of United States cavalry known as Captain Ramon Pico's company, during the War of the Rebellion, for \$1,587.

Also: Senate Bill No. 330—An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$250,000.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

DICKINSON, Chairman.

Senate Bills Nos. 675, 472, 402, 455, 298, and 330 ordered on file for second reading.

Assembly Bill No. 662 ordered on special file of Assembly bills for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved. That the State Controller be and he is hereby directed to draw his warrant in the sum of \$86 in favor of the Sergeant-at-Arms of the Senate in payment of sundry bills hereto attached, and the Treasurer is directed to pay the same—the same payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

California Senate, Dr.:

Feb. 7 and 9, 1899—To H. S. Crocker Co., sundries.....	\$10 00
Feb. 24—To H. S. Crocker & Co., 5½ dozen 12-in. bankers' shears.....	13 30
Feb. 13—To John Breuner, sundries.....	23 10
Feb. 21—To Mrs. McGee, washing towels.....	9 60
Feb. 1—To F. M. Jones, rent of four Smith typewriters for February.....	20 00
Jan. 18—To Sunset Telephone & Tel. Co., rental month ending Jan. 21.....	2 50
Feb. 1—To Sunset Telephone & Tel. Co., rental month ending Feb. 28.....	7 50
Total	\$86 00

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Cutter, Davis, Dickinson, Doty, Flint, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved. That Frank D. Springer be and is hereby appointed a Page of the Senate, with the same per diem as the other Pages, the same payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Doty, Dwyer, Flint, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Stratton, Taylor, and Wolfe—25.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the following named persons be and the same are hereby allowed the several amounts set opposite their names, for expenses incurred in connection with the Senate Committee on State Institutions, as provided for by resolution adopted at the thirty-second session of the Legislature.

The Controller is authorized to draw his warrant in favor of the herein named persons, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same:

John H. Dickinson, traveling expenses	\$132 60	
J. J. Boyce, traveling expenses	400 00	
E. W. Chapman, traveling expenses	72 75	
W. F. Prisk, traveling expenses	430 00	
C. M. Simpson, traveling expenses	155 00	
F. J. Brandon, traveling expenses	265 95	
		\$1,456 30
E. S. Van Court, stenographer	\$2,139 65	
E. S. Mott, stenographer	1,618 10	
A. L. Longley, stenographer	229 45	
A. C. Unsworth, stenographer	520 00	
		4,507 20
Miss L. Willis, typewriting	\$39 00	
Miss E. M. Gray, typewriting	30 00	
Miss P. I. Mizner, typewriting	195 00	
Miss J. Pinlayson, typewriting	249 00	
John Sales, typewriting	186 00	
		699 00
H. H. Hendry, clerk		150 00
F. J. Brandon, services from November 1, 1897, to January 1, 1899, fourteen months at \$150 per month		2,100 00
John H. Dickinson, paid H. S. Crocker Co.	\$18 05	
John H. Dickinson, paid Alexander & Co.	30 00	
John H. Dickinson, paid postage	47 85	
John H. Dickinson, paid F. A. Taylor	26 35	
		122 25
James W. Reid, expert, as architect	\$1,980 00	
W. B. Faville, expert, as architect	1,980 00	
Alex. Wright, expert, as architect	500 00	
		4,460 00
Southern Pacific Railroad Company		1,100 00
Southern California Railroad Company		73 70
		\$14,668 45

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with the amendment that the amount allowed E. S. Van Court be reduced to \$2,079 65.

FLINT, Chairman.

On motion of Senator La Rue, further consideration of the above report was made a special order for Wednesday, March 1, 1899, immediately after reading of the Journal.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election case of Leon Denney vs. R. Porter Ashe, for the seat in the Senate from the Twenty-fourth Senatorial District of the State of California, beg leave to report that in filing said report on the twenty-fourth instant, they omitted to allow the claim of Mr. L. J. Welch for the sum of \$25 as witness fees. And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant

in favor of Mr. L. J. Welch for the sum of \$25, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

STRATTON, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 1—Relating to the Judiciary, and establishing Courts of Appeal.

Also: Senate Constitutional Amendment No. 2—To propose an amendment to Article IV of the Constitution of the State of California, relating to the Judicial Department.

Also: Senate Constitutional Amendment No. 12—Relating to the Judicial Department of the Government of the State of California.

Also: Senate Constitutional Amendment No. 13—Relating to clerk and deputy clerk of the Supreme Court, and clerk and deputy clerks of the District Courts of Appeal.

Also: Senate Constitutional Amendment No. 18—Relative to a proposed amendment to Article VI of the Constitution of the State of California, relating to the Judiciary Department.

Have had the same under consideration, and respectfully report the same back, and recommend that the substitute adopted by the committee for all of said numbers be adopted.

GILLETTE, Chairman.

Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18 ordered on file.

MOTION.

On motion of Senator Dickinson, the proposed substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18, also Committee Substitute for Senate Constitutional Amendment No. 15, were ordered to print.

REPORT OF COMMITTEE OF CONFERENCE.

SENATE CHAMBER, SACRAMENTO, February 27, 1899.

MR. PRESIDENT: Your Committee of Conference concerning Assembly Bill No. 366—An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof—report that they have met a like committee of the Assembly, consisting of Assemblymen Hoey, Johnson, and Works, and that the conference committee have agreed upon the following amendments to the bill, and recommend that the Senate recede from its amendment and adopt the following amendments:

Add to the title the following, viz:

"Providing for the insertion of certain stipulations in contracts for public work, imposing penalties for violation of the provisions of this Act, and providing for the enforcement thereof."

Also: Add to Section 2 the following, viz.:

"Nothing in this Act shall be construed to authorize the collection of said penalty from the State or any political subdivision thereof."

TAYLOR,
LEAVITT,
CHAPMAN,

Committee of Conference of the Senate on Assembly Bill No. 366.

The question being on the adoption of the report of the committee of conference.

The roll was called, and the report and amendments adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Doty, Flint, Gillette, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Stratton, Taylor, and Trout—23.

NOES—None.

MOTION.

On motion of Senator Leavitt, Committee Substitute for Senate Bill No. 330 was ordered to print.

BILL RE-REFERRED FOR PURPOSE OF AMENDMENT.

On motion of Senator Morehouse, Substitute for Senate Bill No. 308—An Act to establish a uniform system of county and township governments—was re-referred to Committee on County Government and Township Organization, for purpose of amendment.

RESOLUTION—(OUT OF ORDER).

By Senator Wolfe:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be suspended, and that Senator Wolfe be permitted to introduce a joint resolution (in accordance with Rule VIII of the Senate, which provides that joint resolutions be treated as bills), to be numbered 20.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted, and the provisions of the Constitution suspended for the purpose above set forth, by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Flint, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Morehouse, Nutt, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

INTRODUCTION OF JOINT RESOLUTION.

The constitutional provision limiting the introduction of bills (and joint resolutions) to the first fifty days of the session having been suspended, the following joint resolution was introduced:

By Senator Wolfe: Senate Joint Resolution No. 20—Relating to construction of Pacific Cable, and requesting that Congress require the same to be of American make.

MOTION.

Senator Wolfe moved that unanimous consent be granted for the suspension of Rule I, requiring that bills (and joint resolutions) be referred to a standing committee, and that Senate Joint Resolution No. 20 be now considered.

Motion carried, and unanimous consent granted.

CONSIDERATION OF JOINT RESOLUTION.

SENATE JOINT RESOLUTION No. 20.

Relating to construction of Pacific cable, and requesting that Congress require the same to be of American make.

WHEREAS, There are now pending in Congress measures for the laying of a submarine cable from some point in the State of California across the Pacific Ocean; and

WHEREAS, The construction of the same will be of great benefit to the United States and to this State; and

WHEREAS, If the cable is made by an American company in the United States it will favorably advertise our manufactures abroad and give employment to a great number of our citizens; now, therefore, be it

Resolved by the Senate and the Assembly, jointly, That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to vote for and use all honorable means to secure the passage of a bill requiring the laying of such cable, and also requiring that the cable be made by an American company in the United States; and be it further

Resolved, That a copy of this resolution be forwarded by telegraph to Hon. George C. Perkins, and that he be requested to deliver a copy of the same to each member of the California delegation in Congress.

Resolution read.

The question being on the adoption of Senate Joint Resolution No. 20.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Flint, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Morehouse, Nutt, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 528—An Act to amend an Act entitled "An Act to establish a Political Code by adding thereto a new section, to be numbered 1818a, providing for special funds for the payment of teachers' salaries in counties constituting but one school district, and defining the duties of Boards of Education, Auditors, and Treasurers in relation thereto."

Also: Receded from its amendments to Senate Bill No. 96—An Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

Also: Receded from its amendments to Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Also: Refused to recede from its amendment to Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges and officers connected with the Supreme Court and appointed Assemblymen Cobb, Caminetti, and A. M. McDonald as a committee of conference to meet a like committee from the Senate, heretofore appointed by the Senate.

Also: Concurred in Senate amendment to Assembly Bill No. 291—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be known and numbered as Section 364 thereof, relating to corporations.

Also: Concurred in Senate amendments to Assembly Bill No. 96—An Act to amend Section 1183 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property.

Also: Passed Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of its proceeds, approved March 23, 1893,' approved March 9, 1897."

Also: Assembly Bill No. 988—An Act to authorize and permit the use of the Great Seal of the State of California, and such other appropriate designs pertaining to said State, by the order of the Native Sons of the Golden West, a patriotic order, created and existing under the laws of the State of California, in the making of medals to be presented by and under the auspices of said order, to the officers and members of the United States volunteer troops from California who have been in active service in the late war with Spain.

Also: Concurred in Senate amendments to Assembly Bill No. 24—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Also: Adopted the following resolution, viz.: "That the exclusive use of the Assembly Chamber be granted to the Republican members of the Senate and Assembly for a conference at four o'clock p. m. to-day."

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bills Nos. 96, 66, and 5 ordered to enrollment.

Assembly Bill No. 988 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution, viz.:

Resolved, That the Chief Clerk be instructed to inform the Senate that the Committee on Conference on Assembly Bill No. 118 not having been formally discharged, but its report having been indefinitely postponed by the Assembly, it is not in order to appoint a free conference committee on said bill and amendment, nor is it in order for the Assembly to reconsider its action thereon. That no discourtesy toward the Senate was

intended, nor does the Assembly concede that its action was either unparliamentary, irregular, or inconsistent with the Joint Rules of the Senate and Assembly.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

On motion of Senator Bulla, the above message was referred to Committee on Rules and Revision, that committee to confer with the Committee on Rules and Regulations of the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Committee Substitute for Assembly Bill No. 444, as an amendment thereto, and concurred in said amendment.

Also: Amended, and passed as amended, Senate Bill No. 54 -An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people.

Also: Passed as case of urgency Senate Bill No. 721 -An Act to amend Section 1379 of the Political Code, relating to the election of delegates to conventions of political parties at elections known and designated as primary elections.

C. W. KYLE, Chief Clerk.

Senate Bill No. 721 ordered to enrollment.

MOTION.

Senator Braunhart moved to concur in all Assembly amendments to Senate Bill No. 54, excepting Nos. 9, 10, and 11.

Amend Section 1 by striking out all after the word "southward," in line 5, page 1, printed bill, down to and including the word "San Francisco," in line 8, page 2, and inserting in lieu thereof the following: "as defined and limited in Section 2524 of the Political Code, and as the commercial interests of the Port of San Francisco may most require."

Also: Amend Section 1 by inserting after the word "of," in line 20, page 2, printed bill, the words "not exceeding."

Also: Amend Section 1 by striking out the period (.) after the word "dates," in line 27, page 2, printed bill, and inserting the following: "unless sooner redeemed, as herein-after provided."

Also: Amend Section 1 by inserting after the word "interest," in line 32, page 2, printed bill, the following: "unless proposals for the surrender thereof shall have been made and accepted as hereinafter provided."

Also: Amend Section 5 by inserting after the word "forth," in line 3, page 4, printed bill, the following: "or whenever it shall be necessary to determine what portion of the seawall shall be constructed."

Also: Amend Section 6 by striking out all after the word "thereafter," in line 35, page 6, printed bill, down to and including the word "law," in the next line, and inserting the following: "provided, that there shall be no increase of the rates or charges above those now limited and authorized by law."

Also: Amend Section 6 by adding the following: "At any time after the expiration of five years from the date of the issue of such bonds, respectively, the said Treasurer may cause notice to be given by advertisement, stating the amount in the said San Francisco Seawall and Thoroughfare Sinking Fund, for the redemption of said bonds, and inviting sealed proposals for the redemption, surrender, and cancellation of said bonds, with the interest thereon, to the specified amount in said sinking fund; and at the date designated in the notice the bids shall be opened, if any there be, and the bid, or bids, offering to surrender bonds for the lowest sum not more than par value shall be accepted. If sufficient bids shall not be received to consume the money in the sinking fund, and the whole or a portion deemed sufficient for the purpose shall still remain therein, notice shall be given by advertisement for not less than thirty (30) days, stating that there is an amount, to be specified in the notice, still remaining in the sinking fund to be applied to the redemption of the bonds, with interest thereon, in the order of their respective dates of issue; and if said bonds be not presented for redemption, surrender, and cancellation within the time specified in the notice, they shall thereafter cease to bear interest, and the amount in the sinking fund shall be kept for their redemption when presented, but no more shall be paid therefor than the amount of principal and interest due at the expiration of the time specified in the aforesaid notice."

Also: Amend Section 4 by inserting after the word "bonds," in line 37, page 4, of last printed bill, the following: "provided further, that if at any time there be a surplus in

the San Francisco Harbor Improvement Fund hereinafter referred to which can be applied to the construction of the said seawall and thoroughfare, such surplus shall be applied to the construction of said seawall thoroughfare and belt-line railroad, and the issue of bonds shall be reduced to the extent of the surplus funds so applied."

Motion carried.

The question being, "Shall the Senate concur in all Assembly amendments excepting 9, 10, and 11 to Senate Bill No. 54?"

The roll was called, and all Assembly amendments excepting Nos. 9, 10, and 11 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Froot, and Wolfe—31.

NOES—None.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President of the Senate appointed Senators Braunhart, Dickinson, and Stratton a committee of conference on Assembly amendments Nos. 9, 10, and 11 to Senate Bill No. 54.

The Secretary was directed to inform the Assembly of the action of the Senate.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 257—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

REPORT OF COMMITTEE OF CONFERENCE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your Committee of Conference concerning Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court—report that we have met a like committee of the Assembly, consisting of Assemblymen Cobb, A. M. McDonald, and Caminetti, and we report that the committee of conference to agree, and recommend the appointment of another committee.

CUTTER, Chairman.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

The President of the Senate appointed Senators Wolfe, Curtin, and Morehouse a Committee of Free Conference on Senate Bill No. 56.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day received the report of the Conference Committee on Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court—which reported that the committee failed to agree, and Assemblymen Cobb, Caminetti, and McDonald of Tuolumne were appointed as a further conference committee to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 691—An Act entitled "An Act to prevent the sale of

raw materials, and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone and materials for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, or in the construction thereof, and to provide for the sale thereof at actual cost of production.

Also: Assembly Bill No. 552—An Act placing all companies selling certificates, bonds, or debentures with coupons attached thereto, on the partial payment or installment plan, doing business in this State under the supervision and control of the State Board of Bank Commissioners.

Also: Assembly Bill No. 292—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Also: Assembly Bill No. 480—An Act to amend Section 397 of the Penal Code, relating to the selling of liquor to habitual or common drunkards, minor children, idiots, insane or incompetent persons, and Indians, and relating to minors being allowed to remain in and about saloons and drinking places.

Also: Assembly Bill No. 37—An Act relating to certain contracts for the conditional sale, lease, or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof.

Also: Assembly Bill No. 500—An Act to amend Section 472 of the Political Code of California, relating to Attorney-General.

Also: Assembly Bill No. 576 (Substitute for Assembly Bill No. 70)—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and disposal of their proceeds," approved March 31, 1891, the amendment of said section relating to the issuance of bonds.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 691 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 552 read first time, and referred to Committee on Banks and Banking, and, on motion of Senator Dickinson, to be returned before the Senate reconvenes at eight o'clock p. m. of this day.

Assembly Bill No. 292 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 480 read first time, and referred to Committee on Education and Public Morals.

Assembly Bill No. 37 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 500 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 576 read first time, and referred to Committee on Municipal Corporations.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Langford:

Resolved, That Senate Bill No. 43 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution and the provisions of that section requiring that the bill shall be read on three several days in each house, are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

Senator Langford moved its adoption.

The roll was called, and the provisions of Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter,

Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Langford, Luchsinger, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Langford asked unanimous consent to withdraw Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases—and to substitute therefor on file Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Consent granted.

Senate Bill No. 339 withdrawn and stricken from the file, and Senate Bill No. 43 substituted therefor on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 712—An Act to appropriate the sum of \$1,150 50 to pay the claim of Bancroft, Whitney & Co., for money due and owing the said Bancroft, Whitney & Co. from the State of California.

Also: Assembly Bill No. 411—An Act authorizing the Secretary of State to furnish his office and the vault connected therewith, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 544—An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor; and to prescribe the punishment for a violation of the game laws of this State"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

DICKINSON, Chairman.

Senate Bills Nos. 712 and 544 ordered on file for second reading.

Assembly Bill No. 411 ordered on special file of Assembly bills for second reading.

LEAVE OF ABSENCE.

Senator Gillette was granted leave of absence for the day, on motion of Senator Prisk.

MOTION.

Senator Langford moved that Senate Bill No. 302—An Act to create a special fund to be known as the "State Débris Construction Fund," and to transfer from the General Fund to such State Débris Construction Fund the sum of \$250,000—be placed on the Senate special file.

So ordered.

SPECIAL ORDER.

The special order heretofore set for this hour was taken up, viz.: Consideration of Senate Bill No. 440—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

SPECIAL ORDER RESET.

On motion of Senator Stratton, the further consideration of Senate Bill No. 440 was made a special order for three o'clock and thirty minutes P. M. of this day.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 28, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenter, O'Brien, Pierce, Radcliff, Raub, Raw, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—75.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Monday, February 27, 1899. The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Monday, February 27, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Dickinson, Luchsinger, Morehouse, and Stratton—4.
For R. N. Bulla—Senator Taylor—1.
For D. M. Burns—Senators Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Nutt, Smith, and Trout—6.
For Thomas R. Bard—Senators Flint and Rowell—2.
For Irving M. Scott—Senator Davis—1.
For John Rosenfeld—Senator Feeney—1.
For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—11.
For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators	34
W. H. L. Barnes received	4 votes.
R. N. Bulla received	1 vote.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	6 votes.
Thomas R. Bard received	2 votes.
Irving M. Scott received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	11 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Brown, Clough, Knights, Knowland, Lardner, and Muentner—8.
For M. M. Estee—Mr. Wade—1.
For R. N. Bulla—Messrs. Belshaw, Boynton, Conrey, Cosper, La Baree, Melick, Miller of Los Angeles, Robinson, and Valentine—9.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Eugene Sullivan, and Wright—18.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Raub, Raw, and Works—19.
For Irving M. Scott—Mr. Dunlap—1.
For Marion De Vries—Mr. Brooke—1.
For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—16.
For John Rosenfeld—Mr. Crowley—1.
For James D. Phelan—Messrs. Burnett and Hoey—2.
For Thomas R. Bard—Mr. Greenwell—1.

Whole number of votes cast by Assemblymen.....	77
W. H. L. Barnes received	8 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	9 votes.
D. M. Burns received	18 votes.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	1 vote.
Marion De Vries received	1 vote.
Thomas R. Bard received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	16 votes.
James D. Phelan received	2 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	111
Necessary to a choice	56
W. H. L. Barnes received	12 votes.
M. M. Estee received	1 vote.
R. N. Bulla received	10 votes.
D. M. Burns received	25 votes.
U. S. Grant, Jr., received	25 votes.
Thomas R. Bard received	3 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	27 votes.
James D. Phelan received	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-two minutes P. M., on motion of Assemblyman Radcliff, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Wednesday, March 1, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Dwyer, Flint, Laird, La Rue, Luchsinger, Morehouse, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—24.

RECESS.

At twelve o'clock and forty-five minutes P. M., the hour of recess having arrived, the President declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dwyer, Hall, Hoey, Jones, Laird, Luchsinger, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—23.

Quorum present.

WITHDRAWAL OF BILL.

Senator Doty asked unanimous consent to withdraw Senate Bill No. 436—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Consent granted.

Senate Bill No. 436 withdrawn and ordered stricken from file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 5—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

Read third time.

Senator Bulla moved that Senator Davis be appointed a special committee of one to amend the bill as follows:

Amend by striking out all of Section 6, after the word "any," in line 6, and inserting the following: "County, or city and county, under the provisions of this Act, shall inure to the society in said county, or city and county, organized and incorporated as herein provided, in aid of the benevolent object for which it is incorporated. And in addition to said fines, the said society, so organized and incorporated, may in each city, city and county, or county where such society exists, be paid from the county, or city and county General Fund by the Board of Supervisors, a sum not to exceed one hundred and fifty dollars per month in the same manner as other claims against said county, or city and county, are paid."

Also: Amend by striking out of Section 9, line 23, all after the word "the," and inserting the following: "Treasury of the humane society of the county, or city and county, wherein the sale takes place."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 5—An Act to amend Section 3608 of the Political Code of the State of California, relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue; and to add new sections, to be known as Sections 3609 and 3610, also relating to the general revenue of the State, and to property liable to taxation for the purpose of revenue—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and third reading.

Assembly Bill No. 182—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and

to create a Board of Fire Commissioners, approved March 4, 1881 (Stats. 1881, p. 26), relating to assessing and collecting said taxes.

Read third time.

Senator Davis moved that Senator Chapman be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 7, the words "fire department."

Also: By striking out of Section 1, line 8, the word "section," and inserting in lieu thereof the word "Sec."

Also: By striking out of Section 1, line 11, the words "Fire Commissioners, how appointed," and inserting in lieu thereof the following: "Sec. 2."

Also: By striking out of Section 1, line 21, the words "duty of commissioners," and inserting the following: "Sec. 3."

Also: By striking out of Section 1, line 46, the word "election," and inserting in lieu thereof the following: "Sec. 4."

Also: By striking out of Section 1, line 52, the words "notice of election, what to contain," and inserting in lieu thereof the following: "Sec. 5."

Also: By striking out of Section 1, line 62, the words "appointment of officers of election," and inserting in lieu thereof the following: "Sec. 6."

Also: By striking out of Section 1, line 71, the words "form of ballot," and inserting in lieu thereof the following: "Sec. 7."

Also: By striking out of Section 1, line 74, the words "election returns, how and when made," and inserting in lieu thereof the following: "Sec. 8."

Also: By striking out of Section 1, line 83, the words "Supervisors to levy tax," and inserting in lieu thereof the following: "Sec. 9."

Also: By striking out of Section 1, line 98, the words "moneys, how kept," and inserting in lieu thereof the following: "Sec. 10."

Also: By striking out of Section 1, line 104, the words "no compensation to treasurer," and inserting in lieu thereof the following: "Sec. 11."

Also: By striking out of Section 1, line 108, the words "powers of the board," and inserting in lieu thereof the following: "Sec. 12."

Also: By striking out of Section 1, line 116, the word "same," and inserting in lieu thereof the following: "Sec. 13."

Also: By striking out of Section 1, line 122, the words "auditing demands," and inserting in lieu thereof the following: "Sec. 14."

Also: By striking out of Section 1, line 128, the words "levying additional tax," and inserting in lieu thereof the following: "Sec. 15."

Also: By striking out of Section 1, line 132, the word "the" before the word "keeping" and after the word "for."

Also: By striking out of Section 1, line 135, the words "who to receive compensation," and inserting in lieu thereof the following: "Sec. 16."

Also: By striking out of Section 1, line 138, the words "vacancies, how filled," and inserting in lieu thereof the following: "Sec. 17."

Also: By striking out of Section 1, line 139, the word "that."

Also: By inserting in Section 1, line 142, the word "the," between the words "by" and "board."

Also: By striking out of Section 1, line 144, the words "refusal to levy tax defers election," and inserting in lieu thereof the following: "Sec. 18."

Also: By striking out of Section 1, line 145, the word "that."

Also: By striking out of Section 1, line 150, the words "election, when held," and inserting in lieu thereof the following: "Sec. 19."

Also: By striking out of Section 1, line 159, the words "to turn over property to successors," and inserting in lieu thereof the following: "Sec. 20."

Also: By inserting in Section 1, line 162, the words "said board of" between the word "of" and the word "fire."

Also: By striking out of Section 1, line 164, the words "Act to be liberally construed," and inserting in lieu thereof the following: "Sec. 21."

Also: By striking out of Section 1, line 172, the words "Commissioners, what may regulate," and inserting in lieu thereof the following: "Sec. 22."

Also: By striking out of Section 1, line 181, the words "may adopt ordinances," and inserting in lieu thereof the following: "Sec. 23."

Also: By striking out of Section 1, line 194, the word "misdemeanor," and inserting in lieu thereof the following: "Sec. 24."

Also: By striking out of Section 1, line 197, the words "jurisdiction of Justice of the Peace," and inserting in lieu thereof the following: "Sec. 25."

Also: By striking out of the third line of page 7 of the printed bill the word "Sec." and inserting in lieu thereof the word "Section."

Also: By striking out of the fifth line of page 7 of the printed bill the word "Sec." and inserting in lieu thereof the word "Section."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill

No. 182—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners (approved March 4, 1881 (Stats. 1881, p. 26) relating to assessing and collecting said taxes—with instructions to amend, respectfully reports the same back, amended as per instructions.

CHAPMAN, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and third reading.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Passed on file.

Assembly Bill No. 651—An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State of California for the benefit of the United States in aiding the State volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote Senator Chapman moved a call of the Senate.

Motion carried.

Time, three o'clock P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Hoey, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and eight minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Smith, who was excused for absence from the Senate Chamber, on motion of Senator Bettman.

FURTHER PROCEEDINGS UNDER CALL OF SENATE DISPENSED WITH.

At three o'clock and ten minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Trout.

Senator Smith having voted, the President thereupon declared Assembly Bill No. 651 refused passage by the following vote:

AYES—Senators Bettman, Boyce, Chapman, Cutter, Davis, Doty, Dwyer, Flint, Jones, Laird, Luchsinger, Morehouse, Prisk, Shortridge, Simpson, and Smith—16.

NOES—Senators Ashe, Brauhart, Bulla, Burnett, Curtin, Dickinson, Hall, Hoey, La Rue, Nutt, Pace, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Dickinson gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 651 was this day refused passage.

EXPLANATION OF VOTE.

On request of Senator Stratton, the following statement was ordered printed in the Journal, as explanation of his vote on the bill referred to:

MR. PRESIDENT: I desire to explain my vote upon Assembly Bill No. 651. I have voted in the negative, but did not enter into a discussion of the question. Personally, there is no measure which I have a greater degree of interest in than the passage of this bill, for the reason that it favorably affects, I believe, some friends of mine who reside in my district. I cannot, however, conscientiously bring myself to its support, and it is with regret that I am obliged to take this position. In Section 32, Article IV of the Constitution, the Legislature is prohibited from legalizing the employment of agents or authorizing payments thereto, where their services have been rendered under any contract not authorized by law. This, therefore, would prohibit payment for past services. In so far as the future services are concerned, I deem the amount named in the bill and the condition of the measure now pending before Congress to be such that the compensation to the agents is altogether too large. I therefore have not found myself free to support the measure.

At three o'clock and fifteen minutes p. m., Hon. R. N. Bulla, State Senator from the Thirty-seventh Senatorial District, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 22—An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trade-mark or name of another, printed, branded, stamped, engrossed, etched, blown, or otherwise attached or produced thereon.

The bill having been read second time on a previous day.

The question being, "Are there any amendments to the bill?"

The following amendment was offered by Senator Dickinson:

Amend by inserting the following after the word "who," on line 6, page 1, printed bill: "with intent to defraud."

Amendment adopted.

Bill ordered to print and still open to amendment.

Assembly Bill No. 90—An Act to amend Section 357 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the marking and branding of domestic animals, and the alteration or defacement of marks and brands on domestic animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 refused final passage by the following vote:

AYES—Senators Ashe, Chapman, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Stratton, and Trout—11.

NOES—Senators Bettman, Bulla, Curtin, Cutler, Davis, Dickinson, Doty, Dwyer, Feeney, Hoey, Jones, Prisk, Simpson, Sims, Smith, and Taylor—16.

Committee Substitute for Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, and 647 of the Civil Code, and repealing Section 648 of the Civil

Code, relating to mutual building and loan associations, and other similar corporations.

Passed on file.

Assembly Bill No. 247—An Act prohibiting the payment of money by the State to counties, and cities and counties, for the collection of taxes.

Read second time, and ordered to third reading.

ASSEMBLY JOINT RESOLUTION NO. 14.

Relative to an inquiry into the alleged servitude in Siberia of Frank Bassford and companions.

WHEREAS, Frank Bassford, a native of California, and a subject of the United States, in January, 1892, while engaged in otter hunting in Pacific waters, along the Asiatic Coast, was lost and believed to have perished; and

WHEREAS, It is reported that he and his companions are now in servitude in Siberia; therefore, be it

Resolved by the Assembly, the Senate concurring. That the Hon. Henry T. Gage, Governor of the State of California, be requested to correspond with the Secretary of State of the United States, and that our Senators in Congress be requested to use their best endeavors with the Secretary of State, all to the end that the active agency of our Government and of the diplomatic and consular service thereof may be enlisted in ascertaining the truth with reference to said report, and in securing the release and return to their own country of the said Frank Bassford and his companions, if they yet survive.

Joint resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Simpson, Sims, Smith, Stratton, Taylor, and Trout—28.

NOES—None.

Resolution transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Simpson was granted leave of absence for the remainder of the day, on his own motion.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 465—An Act to amend Section 1702 of the Code of Civil Procedure of the State of California, relating to the appointment of trustees.

Read second time, and ordered to third reading.

At three o'clock and thirty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 351—An Act to amend Sections 8 and 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Passed on file.

SPECIAL ORDER.

The hour for the consideration of the special file of Assembly bills having expired, the special order heretofore set for this hour was taken up, viz.:

Senate Bill No. 440—An Act to repeal the whole of Title XV of Part

IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 440 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Laird, La Rue, Luchsinger, Nutt, Rowell, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senators Braunhart, Curtin, Shortridge, and Sims—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Bulla was granted leave of absence for remainder of the day, on his own motion.

MOTION.

Senator Braunhart moved that Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code—heretofore made a special order for this hour, be returned to its place on the special urgency file.

So ordered.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Wolfe, in compliance with his notice given on yesterday, moved that the vote whereby Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the State of California," approved March 11, 1891—was refused passage, be reconsidered.

The motion was seconded.

Senator Wolfe moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 240 was refused adoption be postponed until Thursday, March 2, 1899.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 487—An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653½, relating to the fees charged by employment agencies.

Passed on file.

Senate Bill No. 339—An Act to provide for the operation of railroads in certain cases.

Passed on file.

THIRD READING OF BILLS.

Senate Bill No. 336—An Act to amend Section 592 of the Penal Code of the State of California.

Passed on file.

Committee Substitute for Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California.

Passed on file.

Senate Bill No. 143—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Passed on file.

Senate Bill No. 80—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 3443.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 80 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Laird, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 68—An Act to amend Section 2 and Section 38 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, concerning changes in the grade of streets.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 68 passed by the following vote:

AYES—Senators Ashe, Boyce, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 167—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Passed on file.

WITHDRAWAL OF BILL.

Senator Cutter asked unanimous consent to withdraw Senate Bill No. 33—An Act to add a new section to the Political Code, to be known and designated as Section 3466½, relating to the payment of invalid assessments in reclamation districts, and the crediting of the amount paid (to the tract of land upon which the same was assessed) upon subsequent assessments.

Consent granted.

Senate Bill No. 33 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges.

Bill read third time.

Senator Stratton moved that Senator Taylor be appointed a special committee of one to amend the bill as follows:

Amend by inserting in the title to the printed bill, after the words "affiliated colleges," the words "and making an appropriation therefor."

Also: Amend by inserting in Section 4, page 2, printed bill, after the words "its passage," the following: " *provided*, that no part of the moneys hereby appropriated by Section 1 of this Act shall be payable prior to the first day of January, 1900."

Also: Amend title by adding the letter "s" to the word "college."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges—with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee and amendments adopted.

Bill ordered to print and reëngrossment.

WITHDRAWAL OF SENATE CONSTITUTIONAL AMENDMENT.

Senator Taylor asked unanimous consent to withdraw Senate Constitutional Amendment No. 3—A resolution proposing to the people of the State of California an amendment to Section 7, Article I of the Constitution of said State, relating to the right of trial by jury, and number of jurors necessary to render a verdict.

Consent granted.

Senate Constitutional Amendment No. 3 withdrawn and ordered stricken from file.

Senate Bill No. 9—An Act to amend "An Act in relation to foreign corporations," approved April 1, 1872.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At four o'clock and five minutes P. M., on motion of Senator Cutter, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, La Rue, Luchsinger, Morehouse, Pace, Rowell, Sims, Smith, Stratton, and Trout—24.

Quorum present.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 359—An Act to regulate the practice of architecture. The question being on the following pending amendment by Senator Luchsinger:

Amend by striking out of Section 1, line 31, the word "lawyers," and inserting the word "architects."

Amendment adopted.

The following amendments were offered by Senator Luchsinger:

Amend by striking out of Section 1, line 32, the words "in practice," and inserting the following: "working at the profession."

Amendment adopted.

Also: Amend by striking out of Section 4, line 3, the word "exclusively."

Amendment adopted.

Also: Amend by striking out of Section 4, line 4, the word: "on," between "architecture" and "the," and inserting the following: "for at least one year previous to."

Amendment adopted.

Also: Amend Section 5, line 4, by inserting between "State" and "to," the words "not a licensed architect."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

At eight o'clock and thirty minutes p. m. Hon. Edward I. Wolfe, State Senator from the Twenty-first Senatorial District, in the chair.

Assembly Bill No. 353—An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893; reducing the amount of such appropriation per capita, but increasing said appropriation in the aggregate.

Read second time, and ordered to third reading.

Senate Bill No. 302—An Act to create a special fund to be known as the "State Débris Construction Fund," and to transfer from the General Fund to such State Débris Construction Fund the sum of \$250,000.

Read second time, and ordered to engrossment.

Senate Bill No. 491—An Act to amend subdivisions 9 and 18 of Section 433 of the Political Code, relating to the duties of the Controller.

During the second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 491.

An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four hundred and thirty-three of the Political Code is hereby amended to read as follows:

Section 433. It is the duty of the Controller:

1. To superintend the fiscal concerns of the State;
2. To report to the Governor, on the second Monday in October next preceding each regular session of the Legislature, a statement of the funds of the State, its revenues, and of the public expenditures during the two preceding fiscal years, together with a detailed estimate of the expenditures to be defrayed from the treasury for the two ensuing fiscal years, specifying therein each object of expenditure, and distinguishing

between such as are provided for by permanent or temporary appropriations and such as must be provided for by a new statute, and suggesting the means from which such expenditures are to be defrayed;

3. To accompany his biennial report with tabular statements, showing: 1. The amount of each appropriation for the two preceding fiscal years, the amounts expended, and the balance, if any; 2. The amount of revenue chargeable to each county for such years, the amount paid, and the amount unpaid or due therefrom;

4. When requested, to give information in writing to either house of the legislature relating to the fiscal affairs of the State or the duties of his office;

5. To suggest plans for the improvement and management of the public revenues;

6. To keep and state all accounts in which the State is interested;

7. To keep an account of all warrants drawn upon the Treasurer, and a separate account under the head of each specific appropriation, showing at all times the unexpended balance of such appropriation;

8. To keep an account between the State and the Treasurer, and therein charge the Treasurer with the balance in the treasury when he came into office, and with all moneys received by him, and credit him with all warrants drawn on and paid by him;

9. To keep a register of warrants, showing the fund upon which they are drawn, the number, in whose favor, for what service, the appropriation applicable to the payment thereof, when the liability accrued, and a receipt from the person to whom the warrant is delivered; *provided*, that no warrant shall be delivered until after the State Treasurer shall have had official notice of its issue, the number, date, amount, to whom payable, and the fund against which it is drawn;

10. To audit all claims against the State in cases where there is (are) sufficient provisions of law for the payment thereof;

11. To examine and settle the accounts of all persons indebted to the State, and to certify the amount to the Treasurer, and upon presentation and filing of the Treasurer's receipt therefor, to give such person a discharge and charge the Treasurer therewith;

12. In his discretion to require any person presenting an account for settlement to be sworn before him, and to answer orally or in writing, as to any facts relating to it;

13. To require all persons who have received any moneys belonging to the State and have not accounted therefor to settle their accounts;

14. In his discretion to inspect the books of any person charged with the receipt, safe keeping, or disbursement of public moneys;

15. In his discretion to require all persons who have received moneys or securities, or have had the disposition or management of any property of the State of which an account is kept in his office, to render statements thereof to him, and all such persons must render such statement at such times and in such form as he may require;

16. To direct and superintend the collection of all moneys due the State, and institute suits in its name for all official delinquencies in relation to the assessment, collection, and payment of the revenue, and against persons who by any means have become possessed of public money or property and fail to pay over or deliver the same, and against all debtors of the State; of which suits the courts of Sacramento County have jurisdiction without regard to the residence of the defendants;

17. To draw warrants on the Treasurer for the payment of moneys directed by law to be paid out of the treasury; but no warrant must be drawn unless authorized by law, and upon an unexhausted specific appropriation provided by law to meet the same. Every warrant must be drawn upon the fund out of which it is payable, and specify the service for which it is drawn, when the liability accrued, and the specific appropriation applicable to the payment thereof;

18. To furnish the State Treasurer, at the close of business of each day, with an official list showing each warrant drawn, its number, amount, to whom payable, and the fund against which it is drawn;

19. To have printed and forwarded to the Auditor of each county blank State licenses;

20. To authenticate with his official seal all drafts and warrants drawn by him, and all copies of papers issued from his office;

21. To perform the duties of a member of the State Board of Equalization, and of the State Board of Tide Land Commissioners, and such other duties as are prescribed by law.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to engrossment.

Senate Bill No. 4—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as the Commissioners for the Revision and Reform of the Law, and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor."

Passed on file.

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

During the second reading of bill, the following substitute was offered by Senator Stratton:

SUBSTITUTE FOR SENATE BILL NO. 358.

An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor of the State, the Attorney-General of the State, and the registrar of voters of the City and County of San Francisco shall and hereby do constitute a special commission for the purpose of examining, investigating, and testing voting machines, and reporting the result of such examination, investigation, and test, together with the opinion of such commission, and its recommendation, to the Legislature at its thirty-fourth session.

SEC. 2. Such commissioners shall receive no extra salary for the performance of their official duties under and by virtue of the provisions of this Act. Immediately after such commissioners shall have been appointed under and by virtue of this Act they shall meet together and organize for the performance of the duty for which they were appointed. They shall select three mechanical engineering experts, no more than two of whom shall be of known affiliation with the same political party. Each expert shall perform such duties as may be required of him by the commission hereby established, and shall assist the commission in the performance of their duties, and in the investigation hereby authorized. Such commissioners, together with the experts herein to be appointed, shall examine and investigate all voting machines offered for such examination or investigation, and shall use all reasonable effort to secure a personal examination of the largest possible number of such voting machines.

SEC. 3. The commissioners shall be allowed to employ a secretary at a cost not to exceed one hundred and twenty-five dollars per month. They shall further be authorized to pay compensation to the experts, so to be employed by them, not exceeding the sum of ten dollars per day to each for the time actually employed by them as such. The commissioners may incur such other expenses as shall be necessary; *provided*, that all of the disbursements and expenses incurred under and by virtue of this Act shall not exceed the sum herein appropriated; *and provided further*, that no expenditure for any purpose shall be valid or authorized, or shall be submitted to the Board of Examiners for their approval, unless it shall have had the unanimous prior approval of the commissioners mentioned in this Act.

SEC. 4. It shall be the duty of the commissioners appointed under this Act to provide for a public test, examination, and operation of such voting machines, as may be by them deemed proper or advisable, at the next municipal election in the City and County of San Francisco in eighteen hundred and ninety-nine, or at any other election. Each voting machine shall be so placed at, in, or near certain of the election booths at such election in the City and County of San Francisco, or elsewhere, and at other times in the discretion of the commissioners, that any or all voters desiring to test the same may have an opportunity of voting thereat. The purpose of this section and provision being that all such voting machines shall be practically tested in the manner herein provided at such or any election so as to demonstrate in a practical manner the usefulness, reliability, and degree of perfection, together with the applicability of each of such voting machines to the election system of this State. Nothing in this section shall be construed as preventing a further test of such voting machines as the commissioners may deem entitled to be so tested at the next ensuing election in the City and County of San Francisco or elsewhere.

SEC. 5. The commissioners shall keep a record of all their proceedings, and of all the tests, experiments, and operations had under and by virtue of this law. The commissioners shall further secure estimates of the actual cost of constructing the voting machines of each design and make, and shall secure or obtain from any patentee or patentees, or other persons controlling the manufacture of any voting machine, a contract or contracts whereby, in the event of the adoption of any voting machine by the Legislature of this State, the cost and prices thereof, both of manufacture and all the privilege of using the same shall in a legal manner be guaranteed to the State at a definite cost upon the basis of the number of candidates and names appearing upon the official ballot or to be voted upon, and further upon the basis of the cost of each machine, or in an amount not exceeding a certain fixed sum. Each test shall be conducted in such open and public manner and under such conditions as to the commissioners shall seem the best designed to accomplish the results herein specified. Immediately upon completing the practical tests of said voting machines the commissioners shall prepare a report of all their proceedings, setting forth the details herein specified, including a definite recommendation in favor of the adoption of one or more

of a particular design of voting machines which in their judgment may be best suited for the purposes designated, and shall have the same printed forthwith for distribution and for the use of the members of the Legislature entitled to sit at the thirty-fourth session.

SEC. 6. The sum of five thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act, to be expended by such commission as herein provided. All claims against this appropriation must be presented to and allowed by the Board of Examiners.

This Act shall take effect immediately.

The following amendment was offered to the substitute:
By Senator Bulla:

Amend by striking out of Section 3, lines 1, 2, and 3, the words to and including the word "month."

Amendment adopted.

By Senator Curtin:

Amend by striking out of Section 3, line 3, the words "they shall further," and inserting the following: "The commissioners shall."

Amendment adopted.

By Senator Bulla:

Amend by striking out of Section 6, line 1, the word "five," and inserting the word "one."

Amendment adopted.

The question being on the adoption of the substitute as amended.

The same was put and adopted.

Senator Shortridge moved that the bill be denied engrossment and third reading.

Motion lost.

Bill ordered to print and engrossment.

Senate Bill No. 438. An Act to amend Section 1585 of the Code of Civil Procedure of the State of California, relating to the administration and disposition of the assets of a deceased co-partner.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "Section 2" of the bill, in line 1, Section 2, page 2, printed bill.

Amendment adopted.

Also: Amend by adding the words "which accounting may, after notice, be compelled by attachment or other process," immediately after the second "partner," first changing the period after "partner" to a comma, line 52, Section 1, page 2, printed bill.

Amendment adopted.

Also: Amend by striking out the words "the appraisers and" in line 30, Section 1, page 2, printed bill.

Amendment adopted.

Also: Amend by striking out the words "shall forthwith surrender to him all papers, matters, things, and property appertaining to such business, and."

Amendment adopted.

Also: Amend by striking out the words "such partnership assets and business," in line 17, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "the same."

Amendment adopted.

Also: Amend by striking out the words "and settle its business" in lines 15 and 16, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "upon such partnership interest."

Amendment adopted.

Also: Amend by striking out the words "the possession and to," in line 15, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by inserting the words "interest of said deceased in said" between the words "the" and "partnership," in line 11, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by inserting the word "special" before the word "letters" in line 10, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the word "section," in line 6, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out lines "4 and 5," Section 1, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 554—An Act to provide for the appointment of a Board of Colton Hall Property, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

During second reading of bill, the following amendment was offered by Senator Luchsinger:

Amend by striking out of Section 4, line 1, the words and figures "five thousand (5,000)," and inserting the following: "Two thousand five hundred (2,500) "

Amendment adopted.

Bill read second time, ordered to print and engrossment.

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 142, 159, 204, AND 453.

An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person desiring to locate a mining claim must distinctly mark the location on the ground, so that its boundaries may be readily traced, and post, in some conspicuous place on such location, a written or printed notice which shall contain the name of the lode or claim, the name of the location or locations, the date of location, the number of feet in length claimed along the vein, the number of feet in width on each side of the center of the vein, the general course of the vein as near as may be, and such other description thereof, by reference to some natural object or permanent monument, as will identify the claim; and, also, within thirty days after posting such notice, cause to be recorded a copy thereof in the office of the Mining District Recorder, if there be one, and the County Recorder of the mining district or county in which such claim is situated.

SEC. 2. It shall be the duty of the County Recorder of any county, upon the receipt of a copy of the by-laws, rules and regulations adopted at a miners' meeting organizing a mining district, and describing the boundaries thereof, in said county, to record the same in a book to be kept in his office as other county records, to be called a book of record of mining claims. The County Recorder shall collect a fee of twenty-five cents for recording and indexing each notice of location of a mining claim, and he shall pay the same to the county.

SEC. 3. That in estimating the worth of labor required to be performed upon any mining claims, to hold the same by the laws of the United States in the regulation of mines, the value of a day's labor is hereby fixed at the sum of three dollars; *provided,*

however, that in the sense of this statute, eight hours of labor performed upon a mining claim shall constitute a day's labor.

SEC. 4. If at any time the locator of any mining claim heretofore or hereafter located, or his assigns, shall apprehend that his original notice was defective, erroneous, or that the requirements of the law had not been complied with before filing, or shall be desirous of changing his surface boundaries, or of taking in any part of an overlapping claim which has been abandoned; or in case the original notice was made prior to the passage of this Act, and he shall be desirous of securing the benefits of this Act, such locator or his assigns may file an additional notice, subject to the provisions of this Act; *provided*, that such relocation does not interfere with the existing rights of others at the time of such relocation, and no such relocation, or the record thereof, shall preclude the claimant or claimants from proving any such title or titles as he may have held under previous locations.

SEC. 5. All notices of locations of mining claims heretofore recorded in such district records or in the office of the County Recorder are hereby declared valid, and any such record, or a copy thereof, duly verified by a mining recorder or duly certified by a County Recorder, may be received in evidence with the same effect as the originals.

SEC. 6. Within thirty days from the date of the posting of the notice of location, the locator must distinctly mark his location on the ground so that its boundaries can readily be traced.

SEC. 7. The locator of placers or other forms of deposit, subject to location and appropriation under mining laws applicable to placers, shall locate his claim in the following manner:

First—He must immediately post in a conspicuous place on each location thereon a notice of location thereof, containing:

- (a) The name of the claim.
- (b) The name of the locator or locators.
- (c) The date of location.
- (d) The number of feet or acres thus claimed.

(e) A description of the claim by reference to legal subdivisions of sections, if the location is made in conformity with the public surveys; otherwise a description with reference to some natural object or permanent monument as will identify the claim; and where such claim is located by legal subdivisions of the public surveys, such location shall, notwithstanding that fact, be marked by the locator upon the ground, the same as other locations.

Second—Within thirty days of the date of such location he must record such notice of location in the office of the County Recorder of the county, and in the office of the Mining District Recorder, if there be one, in which such location is made, for which recordation the County Recorder shall charge and receive for such county as fees therefor the sum of twenty-five cents.

Third—Within thirty days from the date of the location, the locator shall so distinctly mark his location on the ground that its boundaries can readily be traced.

Substitute read and adopted.

Bill read second time, and ordered to print and engrossment.

SENATE JOINT RESOLUTION No. 19.

Resolution as to making upon the Island of Molokai a leper hospital for the care of all lepers within the United States.

WHEREAS, There has been lately annexed to these United States a large island known as Molokai, one of the Hawaiian group; and

WHEREAS, Upon the said Island of Molokai there is a leper hospital devoted entirely to the care and cure of lepers, and which island, on account of its locality and conditions, is peculiarly adapted for such purposes; therefore, be it

Resolved by the Senate and Assembly, jointly, That we hereby recognize the great necessity of having all those afflicted with leprosy confined within and upon the said Island of Molokai, both because of its isolated condition and equable climate; and be it

Resolved, That we call upon our Representatives in Congress to use every honorable effort to have every leper found within these United States, or hereafter to be found herein, sent to the said Island of Molokai for care and treatment; and be it further

Resolved, That the Governor be requested to transmit these resolutions to our Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Hall, Jones, Luchsinger, Morehouse, Nutt, Pace, Sims, Stratton, Trout, and Wolfe—21

NOES—Senators Bulla, Chapman, Dickinson, Laird, La Rue, Rowell, Shortridge, and Smith—8.

Senate Joint Resolution No. 19 ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed: Senate Bill No. 174—An Act making an appropriation to pay the claim of Julius Herzog for injuries sustained while in the service of the National Guard of California.

Also: Senate Bill No. 363—An Act to amend Section 2022 of the Political Code of California.

Also: Senate Bill No. 311—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

Also: Senate Bill No. 620—An Act making an appropriation to pay the claim of John W. Mitchell for legal services.

Also: Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 515—An Act to provide for the organization and management of livestock insurance companies.

Also: Senate Bill No. 367—An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto.

Also: Senate Bill No. 442—An Act to amend Section 949 of the Code of Civil Procedure, relating to what cases wherein an appeal stays proceedings.

Also: Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California, for loss of merchandise by the collapse of a portion of pier 9, in the City and County of San Francisco, California.

Also: Senate Bill No. 228—An Act appropriating \$80,000 to complete and equip the building now being constructed for the use of the State Normal School of San Diego, California.

Also: Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel.

JONES, Chairman.

Senate Bills Nos. 174, 363, 311, 620, 210, 515, 367, 442, 318, 228, and 530 ordered on file for third reading.

At nine o'clock and fifty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 353—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

During the second reading of bill, the following amendments were offered by the committee:

Amend by striking out the word "fifteen" in line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

Also: Amend by striking out the words "its passage," in line 2, Section 4, page 1, printed bill, and inserting in lieu thereof the following: "the first day of January, nineteen hundred."

Amendment adopted.

The following amendment was offered by Senator Doty:

Amend by striking out of Section 2, line 3, the word "fifteen," and inserting the word "five."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 349—An Act to amend Sections 1912, 1913, 1914, 1917, 1920, 1922, 1934, 1936, 1939, 1940, 1941, 1943, 1951, 1952, 1954, 1955, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1990, 1991, 1992, 1993, 2003, 2004, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2094; to repeal Sections 1902, 1918, 1923, 1927, 1929, 1937, 1938, 1969, 2003, as approved April 1, 1897; 2054, 2055, 2056, 2057, 2058, 2064, 2065, 2066, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2099, 2105, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, and to add new sections, to be known and numbered as Sections 1959*a*, 1977, 1978, 1987, 1988, 1989, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2038*a*, 3033, 3034, and 1967*a*, all of and to the Political Code of the State of California, relating to the National Guard.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the title of the printed bill, and in lieu thereof substitute the following:

"Senate Bill No. 349—An Act to amend Sections 1912, 1914, 1917, 1920, 1922, 1934, 1936, 1939, 1940, 1941, 1943, 1951, 1952, 1954, 1955, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1989, 1991, 1992, 1993, 2003, 2004, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2037; to repeal Sections 1918, 1923, 1927, 1929, 1937, 1938, 1969, 2003, 2094, as approved April 1, 1897; 2054, 2055, 2056, 2057, 2058, 2064, 2065, 2066, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2099, 2105, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, and to add new sections to be known and numbered as Sections 1959*a*, 1977*a*, 1978, 1987, 1988, 1989, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2033, 2034, 2035, 2036, 2037, 2038, 2038*a*, 2069, 2070, 2071, and 1967*a*, all of and to the Political Code of the State of California, relating to the National Guard."

Amendment adopted.

AMENDMENT No. 1.

Amend by striking out all of Section 2, page 2, printed bill.

Amendment adopted.

AMENDMENT No. 2.

In line 4, amend by striking out all of Section 4 of printed bill after the figures "1917," and inserting the following: "Staff of Commander-in-Chief—The staff of the Commander-in-Chief shall consist of one Adjutant-General, with the rank of Brigadier-General, one Assistant Adjutant-General, one Chief Engineer, one Paymaster-General, one Judge Advocate-General, one Surgeon-General, each with the rank of Colonel, and sixteen Aides-de-Camp, with the rank of Lieutenant-Colonel, one Naval Officer, with the rank of Commander, appointed by and holding office at the pleasure of the Commander-in-Chief, or until their successors are appointed and qualified. His non-commissioned staff shall consist of two orderlies with the grade of Sergeant-Major of Cavalry."

Amendment adopted.

AMENDMENT No. 2½.

Amend by striking out the word "first," Section 9, page 5, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out, in lines 10 and 11, Section 11, page 5, printed bill, the words "after consultation with the commanding officer of the National Guard."

Amendment adopted.

AMENDMENT No. 3¼.

Amend by inserting after the word "credit," in line 23, page 8, printed bill, the words "as continuous service."

Amendment adopted.

AMENDMENT No. 3½.

Amend by inserting after the word "credit," in line 27, page 8, printed bill, the words "as continuous service."

Amendment adopted.

AMENDMENT No. 4.

On page 7, Section 19, line 10, strike out the words "or medical."

Amendment adopted.

AMENDMENT No. 5.

On page 10, line 37, printed bill, after the word "credit," insert the words "as continuous service."

Amendment adopted.

AMENDMENT No. 5a.

Amend by striking out the word "seven," in line 44, page 10, printed bill, and inserting in lieu thereof the word "fifteen."

Amendment adopted.

AMENDMENT No. 5b.

On page 13, after "Lieutenant-Colonel," in first line on page, insert "who shall be Inspector-General of rifle and small arms practice."

Amendment adopted.

AMENDMENT No. 5½.

Amend by inserting in line 8, Section 25, page 12, printed bill, the word "assistant" before the words "Inspector-General."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting in line 10, Section 25, page 12, printed bill, after the word "be," the word "assistant."

Amendment adopted.

AMENDMENT No. 6a.

Amend by inserting "assistant," on page 12, line 12, Section 1964, after "be."

Amendment adopted.

AMENDMENT No. 6¼.

Amend by inserting in line 13, Section 25, page 12, printed bill, after the word "be," the word "assistant."

Amendment adopted.

AMENDMENT No. 6½.

Amend by striking out the word "and" in line 7, Section 25½, page 13, printed bill, and change the period into a comma.

Amendment adopted.

AMENDMENT No. 6¾.

Amend line 17, Section 25, page 13, printed bill, by striking out the words "who shall be Inspector-General of small arms practice and Chief of Ordnance."

Amendment adopted.

AMENDMENT No. 7.

On page 14, printed bill, line 16, strike out "forty-five," and insert "fifty."

Amendment adopted.

AMENDMENT No. 8.

On pages 16 and 17 of printed bill, strike out all of Section 27½, after line 3, and insert the following:

"1967a. 1. The medical department of the National Guard of California is hereby organized into a Sanitary Corps, which shall consist of one Surgeon-General, with the rank of a Colonel, who shall be the Surgeon-General on the staff of the Major-General, and the executive head of the corps, and such number of commissioned officers, non-

commissioned officers, and privates as may be required to furnish an efficient service for the organized strength of the National Guard.

"2. The commissioned strength of the Sanitary Corps shall be determined by the organization of the National Guard, to wit: To each organized division, one chief surgeon, who shall be Surgeon-General, and executive head of the corps, with the rank of Colonel; to each organized brigade, one chief surgeon, with the rank of Lieutenant-Colonel; to each organized regiment, one surgeon, with the rank of Major; to each organized battalion, one surgeon, with the rank of Captain, and three surgeons, each with the rank of Captain, unattached for service with the troops of cavalry and signal corps.

"3. All officers of the corps shall be commissioned by the Governor upon the recommendation of the Surgeon-General, approved by the commanding officer of the National Guard.

"4. The commanding officer of the Guard is hereby authorized to transfer a list of men of the National Guard to the Sanitary Corps or corps to be enlisted for the same, as many hospital sergeants, hospital corporals and privates as the service may require, who may be mounted, and permanently attached to the Sanitary Corps under such regulations as the commanding officer of the Guard may prescribe, and the Governor may approve.

"5. No person shall be transferred to or enlisted into the Sanitary Corps unless he shall have passed a satisfactory examination as to his qualifications before a board of medical officers to be appointed by the commanding officer of the Guard, upon the recommendation of the Surgeon-General.

"6. Assignments of commissioned and non-commissioned officers and privates of the Sanitary Corps shall be made and their duties prescribed by the commanding officer of the Guard upon recommendation of the Surgeon-General.

"7. Privates of the Sanitary Corps shall do duty as cooks, nurses, and attendants in hospitals, and as stretcher-bearers, and ambulance-drivers, and attendants in the field, and such other duties as may be required of them by proper authority.

"8. The pay and emoluments of members of the Sanitary Corps shall be the same as provided by law for the pay of troops of the National Guard; they shall be subject to detail by the Surgeon-General.

"9. The Sanitary Corps shall be uniformed and equipped the same as the same department of the United States Army. The medical and surgical equipment of the corps shall be prescribed by the Surgeon-General.

"The funds to be expended by this department shall be expended by the authority of the commanding officer of the Guard, upon recommendation of the Surgeon-General."

Amendment adopted.

AMENDMENT No. 9.

On page 18, line 8, printed bill, after the word "officer," strike out the word "each."

Amendment adopted.

AMENDMENT No. 10.

On page 18, line 15 of printed bill, strike out the word "forty-five," and insert "fifty-two," and in line 19 strike out the word "four" and insert "five," and in line 20, after the word "carpenter," insert the word "sail-maker," and in line 30, after the words "Lieutenant Commander," insert the words "who shall reside in San Francisco," and in line 33 strike out the word "may," and insert the word "shall," and in line 34, after the word "Ensign," insert the words "all officers of the medical department, Naval Militia, N. G. C. shall be commissioned by the Governor, upon the recommendation of the Surgeon-General, approved by the commanding officer of the National Guard," and in line 40 strike out the word "may," and insert the word "shall."

Amendment adopted.

AMENDMENT No. 10½.

On page 18, line 20, after the word "pharmacist," insert the words "warrant officers to be appointed by the Governor upon the recommendation of the commanding officer of the Naval Militia, N. G. C., to hold office for the same term as commissioned officers of the Naval Militia."

Amendment adopted.

AMENDMENT No. 11.

On page 19 of the printed bill, strike out all in line 53 after the word "Governor," down to the word "shall," in line 54, and strike out in line 54, after the word "shall," the words "have power to."

Amendment adopted.

AMENDMENT No. 12.

On page 20 of the printed bill, after the word "serve," in line 16, insert:

"3. The commanding officer of a regiment, or battalion, or squadron, not a part of a regiment or naval militia, may, after having first obtained the permission of the Board

of Location and Organization therefor, organize and uniform, at the expense of his command, a band of musicians to be under his direction and command, who, while on duty, shall be subject to all the laws and regulations for the government of the National Guard and Naval Militia, except that they shall not be mustered in as prescribed for enlisted men, and shall not be counted in the aggregate force, and such commanding officer may disband such band, whether now or hereafter established, and revoke the warrant of the bandmaster."

Amendment adopted.

AMENDMENT No. 13.

On page 21 of printed bill, Section 33, line 4, strike out the word "may" and insert "shall," and in line 7 strike out "six" and insert "eight," and in line 8 strike out "eight" and insert "ten."

Amendment adopted.

AMENDMENT No. 14.

On page 26, Section 40, line 4, printed bill, after the word "general" insert "is ex officio Chief of Staff, Quartermaster-General, Commissary-General, Inspector-General, and Chief of Ordnance and."

Amendment adopted.

AMENDMENT No. 15.

On page 27 of the printed bill, line 62, after the word "have" strike out the words "the necessary" and insert "one clerk"; and in line 63, strike out "clerks and employes not exceeding ten thousand dollars," and insert "at a salary not exceeding eighteen hundred dollars."

Amendment adopted.

AMENDMENT No. 16.

On page 29 of the printed bill, Section 44, line 8, after the word "guard," insert "with the approval of the Governor," and after the word "under," insert the word "such"; and on line 9, after the word "as," strike out the word "he" and insert the words "the Governor shall" and change the word "prescribes" into "prescribe," and insert thereafter the following: "and all expenses of such practice shall be paid out of the appropriation for military purposes as any other demands against the same"; and in line 15, after the word "officers," insert "and enlisted men."

Amendment adopted.

AMENDMENT No. 17.

On page 30, Section 46, line 4, of the printed bill, after "encampments," insert "and cruises"; and in line 8 strike out "legitimate" and insert "proper," and after word "expenses," same line, insert "thereof"; and in line 9, strike out the words "upon the approval of."

Amendment adopted.

AMENDMENT No. 17½.

Amend by striking out in line 8, Section 52, page 33, printed bill, the word "under his direction."

Amendment adopted.

AMENDMENT No. 18.

On page 47, Section 83, line 6, printed bill, insert after the word "worn" the words "or used."

Amendment adopted.

AMENDMENT No. 19.

On page 48, Section 85, line 8, printed bill, strike out all after "chief," all of line 9, and in line 10 "National Guard."

Amendment adopted.

AMENDMENT A.

In line 1, Section 91, page 50, printed bill, amend by striking out the words "section two thousand and thirty-three of the Political Code of California is hereby amended to read as follows," and insert in lieu thereof the following: "A new section is hereby added to the Political Code of California, to be known and numbered as two thousand and thirty-three, and to read as follows."

Amendment adopted.

AMENDMENT No. 20.

On page 50, Section 91, line 8, printed bill, insert after the word "pardoned" the words "by the Governor."

Amendment adopted.

AMENDMENT B.

In line 1, Section 92, page 50, printed bill, amend by striking out the words "section two thousand and thirty-four of the Political Code of California is hereby amended to read as follows," and insert in lieu thereof the following: "A new section is hereby added to the Political Code of California, to be known and numbered as two thousand and thirty-four, and to read as follows."

Amendment adopted.

AMENDMENT No. 21.

On page 51, line 5, of printed bill, after the word "be" insert "either"; and in line 11, strike out "five" and insert "three"; line 13, insert after the word "officer" "two years of which he shall have been a field officer"; line 16, after "must" insert "either"; line 22, after "service" insert "of"; line 26, strike out "appointment" and insert "election"; line 28, strike out "appointment" and insert "election"; line 30, strike out "appointment" and insert "election"; line 31, strike out "six" and insert "four"; line 35, strike out "appointment" and insert "election"; line 37, strike out "appointment" and insert "election"; line 40, strike out "five" and insert "three."

Amendment adopted.

AMENDMENT No. 22.

On page 52, line 43, of the printed bill, after the word "of" insert "the National Guard for at least one year," and strike out all of line 44; strike out of line 45 "elected for at least one year," and after the word "election," on same line, strike out "and shall have"; strike out all of line 46; and in line 47 up to "provided"; line 55, end of line, strike out the word "in" and insert "if"; line 60, strike out "seven" and insert "five"; line 69, strike out "have been educated as" and insert "be"; line 73, insert after the word "his," "election or"; line 74, insert after the word "officer," "warrant officer or mate in"; in same line, strike out the word "of"; line 77, after the word "years," insert "or a master mariner holding a Captain's license in the merchant marine for at least two years," and change period to comma.

Amendment adopted.

AMENDMENT No. 23.

On page 53, line 82, after the word "organization," change punctuation and insert "or shall have been an officer, warrant officer or mate of the United States Navy, volunteer navy, auxiliary navy, United States Revenue Marine, or a master mariner holding a Captain's license for at least two years;" line 90, after the word "State," insert "or in the United States Navy," and change punctuation.

Amendment adopted.

AMENDMENT No. 23½.

Amend on page 52, Section 92, printed bill, by striking out in lines 76 and 77 the words "not below the grade of Lieutenant."

Amendment adopted.

AMENDMENT C.

In line 1, Section 93, page 53 of printed bill, amend by striking out the words "section two thousand and thirty-five of the Political Code of California is hereby amended to read as follows"; and inserting in lieu thereof the following: "A new section is hereby added to the Political Code of California, to be known and numbered as two thousand and thirty-five, and to read as follows."

Amendment adopted.

AMENDMENT No. 24.

Page 33, Section 95, line 15, strike out all after the words "by the" and insert the word "Governor"; line 16, strike out the words "National Guard," and after word "and," the word "to."

Amendment adopted.

AMENDMENT No. 24½.

On page 53, after the word "corps," in line 14 of Section 93, insert the following:
1. put " (period).

2. "Special boards to consist of one or more officers may be appointed at any time."
3. Let "all" commence with a capital (new sentence).

Amendment adopted.

AMENDMENT No. 24½.

Page 55, line 90, after the word "that," insert "at any election officers entitled to vote thereat, but living more than one hundred miles from the place where the election is to be held, and not being in attendance, may send their proxy to vote at such election, sealed and containing the name of the sender's choice to the presiding officer at such election, who shall open such proxy only in the meeting, and it shall count as if the officer giving it were present."

Amendment adopted.

AMENDMENT No. 25.

Page 55, line 84, after the word "Colonel" insert "and Lieutenant-Colonel"; line 85, strike out "not part of a regiment."

Amendment adopted.

AMENDMENT D.

In line one, Section 94, page 56 of printed bill, amend by striking out the words "section two thousand and thirty-six of the Political Code of California is hereby amended to read as follows," and inserting in lieu thereof the following: "A new section is hereby added to the Political Code of California, to be known and numbered as two thousand and thirty-six, and to read as follows."

Amendment adopted.

AMENDMENT E.

In line 1, Section 95, page 57 of printed bill, amend by striking out the words "section two thousand and thirty-seven of the Political Code of California is hereby amended to read as follows," and inserting in lieu thereof the following: "A new section is hereby added to the Political Code of California to be known and numbered as two thousand and thirty-seven, and to read as follows."

Amendment adopted.

AMENDMENT F.

In line 1, Section 96, page 57 of the printed bill, amend by striking out the words "section two thousand and thirty-eight of the Political Code of California is hereby amended to read as follows," and inserting in lieu thereof the following: "A new section is hereby added to the Political Code of California, to be known and numbered as two thousand and thirty-eight, and to read as follows."

Amendment adopted.

AMENDMENT No. 26.

Page 58, Section 97, strike out all of line 16 after "command," and all of line 17 up to the word "and," and change punctuation.

Amendment adopted.

AMENDMENT No. 27.

On page 59, amend Section 98 to read as follows: "2069. Cadet Companies—Each officer commanding a regiment or battalion may, with the approval of the commanding officer of the National Guard, muster and attach to it a company of cadets; *provided*, that all the members of such school shall be pupils in attendance at some public school or schools within the limit of such command, and shall be and remain members of such cadet company only while attending such public school or schools. It shall be the duty of such commanding officer to give his personal attention to the instruction of such cadet companies, and he shall have power, and it shall be his duty, subject to the approval of the Commander-in-Chief, to prescribe such rules and regulations for the government of such cadet company as he shall see fit. Such cadet company shall receive one third of the allowances allowed to a company in the National Guard. The percentage of their attendance at drills and on other military duty shall not be considered in computing the percentage of a command to which they belong. No other cadet companies, except those organized as above provided for, shall be allowed within the State of California in connection with the National Guard thereof."

Amendment adopted.

AMENDMENT No. 27a.

Amend by striking out the words and figures "three thousand and thirty-three" in

lines 2 and 3, Section 98, page 58, printed bill, and inserting in lieu thereof the words and figures "two thousand and sixty-nine."

Amendment adopted.

AMENDMENT No. 27b.

Amend by striking out the words and figures "three thousand and thirty-four" in lines 1, 2, and 3, Section 99, page 59, printed bill, and inserting in lieu thereof the words "two thousand and seventy."

Amendment adopted.

AMENDMENT No. 27 $\frac{3}{4}$.

Amend by inserting: "Section 100. A new section is hereby added to the Political Code, to be known and numbered as two thousand and seventy-one."

Amendment adopted.

AMENDMENT No. 28.

On page 59, Section 100, after paragraph 1, insert a new paragraph, making it paragraph 2, as follows:

"2. To the commanding officer of each brigade, the sum of seventy-five dollars per month."

This would make paragraph 2 paragraph 3.

Also: Amend subdivision 5 to read as follows: "For each company of infantry and division of naval battalion the sum of one hundred dollars per month; and for the use of each troop of cavalry, one hundred and fifty dollars per month; and for each signal corps, two dollars and fifty cents per month for each member not exceeding one hundred and twenty dollars per month; said monthly allowances shall be paid through the brigade paymaster, except that the allowances to the Naval Battalion shall be paid through the fleet paymaster, and said allowance shall be expended for armory rents, care of arms, and armories, and State property, and proper incidental expenses of the company. Said sums shall be expended as follows: The actual expenses only of armory rents, care of arms and State property, and care of armory, and also the sum of ten dollars per month to be expended for stationery, printing, postage, expressage, and telegraphing. The balance unexpended of said allowance to any organization shall remain in the State treasury, and should the commanding officer of any of said organizations wish to expend such balance for any purpose he shall make application in writing to the Board of Military Auditors, through each superior headquarters, for permission to expend the same, stating the purpose for which it is to be expended, and if the said application is approved by the said board such permission will be granted, and the claims be paid as other demands mentioned herein through the brigade or fleet paymaster."

Amendment adopted.

AMENDMENT No. 28 $\frac{1}{2}$.

On page 59, after "regiments" in line 11, Section 100, insert "and to the commanding officer of the Naval Militia a sum equal to six dollars."

Amendment adopted.

AMENDMENT No. 29.

On page 61, line 85, printed bill, after "horses," insert "*provided further, that no expenses shall be incurred for any purpose without the approval of the Governor first had.*" Amend line 86 by striking out "twenty-five" and inserting "fifty," and in line 87 insert the word "each" after the word "month."

Amendment adopted.

AMENDMENT No. 30.

Amend by striking out lines 1, 2, 3, 4, and 5 on page 61, and all of page 62 of printed bill.

Amendment adopted.

AMENDMENT No. 31.

Amend by adding the following:

"SEC. 101. Section nineteen hundred and eighteen of the Political Code of California is hereby repealed.

"SEC. 102. Section nineteen hundred and twenty-three of the Political Code of California is hereby repealed.

"SEC. 103. Section nineteen hundred and twenty-seven of the Political Code of California is hereby repealed.

"SEC. 104. Section nineteen hundred and twenty-nine of the Political Code of California is hereby repealed.

"SEC. 105. Section nineteen hundred and thirty-seven of the Political Code of California is hereby repealed.

- "SEC. 106. Section nineteen hundred and thirty-eight of the Political Code of California is hereby repealed.
- "SEC. 107. Section nineteen hundred and sixty-nine of the Political Code of California is hereby repealed.
- "SEC. 108. Section two thousand and three, as approved April first, eighteen hundred and ninety-seven, of the Political Code of California is hereby repealed.
- "SEC. 109. Section two thousand and ninety-four of the Political Code of California is hereby repealed.
- "SEC. 110. Section two thousand and fifty-four of the Political Code of California is hereby repealed.
- "SEC. 111. Section two thousand and fifty-five of the Political Code of California is hereby repealed.
- "SEC. 112. Section two thousand and fifty-six of the Political Code of California is hereby repealed.
- "SEC. 113. Section two thousand and fifty-seven of the Political Code of California is hereby repealed.
- "SEC. 114. Section two thousand and fifty-eight of the Political Code of California is hereby repealed.
- "SEC. 115. Section two thousand and sixty-four of the Political Code of California is hereby repealed.
- "SEC. 116. Section two thousand and sixty-five of the Political Code of California is hereby repealed.
- "SEC. 117. Section two thousand and sixty-six of the Political Code of California is hereby repealed.
- "SEC. 118. Section two thousand and seventy-six of the Political Code of California is hereby repealed.
- "SEC. 119. Section two thousand and seventy-seven of the Political Code of California is hereby repealed.
- "SEC. 120. Section two thousand and seventy-eight of the Political Code of California is hereby repealed.
- "SEC. 121. Section two thousand and seventy-nine of the Political Code of California is hereby repealed.
- "SEC. 122. Section two thousand and eighty of the Political Code of California is hereby repealed.
- "SEC. 123. Section two thousand and eighty-one of the Political Code of California is hereby repealed.
- "SEC. 124. Section two thousand and eighty-two of the Political Code of California is hereby repealed.
- "SEC. 125. Section two thousand and eighty-three of the Political Code of California is hereby repealed.
- "SEC. 126. Section two thousand and eighty-four of the Political Code of California is hereby repealed.
- "SEC. 127. Section two thousand and eighty-five of the Political Code of California is hereby repealed.
- "SEC. 128. Section two thousand and eighty-six of the Political Code of California is hereby repealed.
- "SEC. 129. Section two thousand and eighty-seven of the Political Code of California is hereby repealed.
- "SEC. 130. Section two thousand and ninety-nine of the Political Code of California is hereby repealed.
- "SEC. 131. Section two thousand one hundred and five of the Political Code of California is hereby repealed.
- "SEC. 132. Section two thousand one hundred and seven of the Political Code of California is hereby repealed.
- "SEC. 133. Section two thousand one hundred and eight of the Political Code of California is hereby repealed.
- "SEC. 134. Section two thousand one hundred and nine of the Political Code of California is hereby repealed.
- "SEC. 135. Section two thousand one hundred and ten of the Political Code of California is hereby repealed.
- "SEC. 136. Section two thousand one hundred and eleven of the Political Code of California is hereby repealed.
- "SEC. 137. Section two thousand one hundred and twelve of the Political Code of California is hereby repealed.
- "SEC. 138. Section two thousand one hundred and thirteen of the Political Code of California is hereby repealed.
- "SEC. 139. Section two thousand one hundred and fourteen of the Political Code of California is hereby repealed.
- "SEC. 140. Section two thousand one hundred and fifteen of the Political Code of California is hereby repealed.
- "SEC. 141. Section two thousand one hundred and sixteen of the Political Code of California is hereby repealed.
- "SEC. 142. Section two thousand one hundred and seventeen of the Political Code of California is hereby repealed.
- "SEC. 143. This Act shall take effect immediately."

Amendment adopted.

The following amendments were offered by Senator Dickinson:

Amend the title by placing the bracketed number "[2094]" after the word and figure "April 1."

Amendment adopted.

Also: Amend the title by striking out the figures and letter "1976a]" in line 4 from the bottom of title page, printed bill, and insert in lieu thereof "1967a."

Amendment adopted.

Also: Amend by striking out the figures and letter "1967a" on last line of title page, printed bill.

Amendment adopted.

Also: Amend by striking out the words "one Surgeon-General." in line 8, Section 3, page 21, printed bill.

Amendment adopted.

Also: Amend by inserting the word "of" after the word "troop," line 4, Section 4, page 3, printed bill.

Amendment adopted.

Also: Amend by inserting the word "or" after the word "Adjutant" and omitting the comma, line 6, Section 4, page 3, printed bill.

Amendment adopted.

Also: Amend by striking out the words "or Aid-de-Camp on the staff of the Commander-in-Chief," lines 6 and 7, Section 4, page 3, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "organization," line 8, Section 4, page 3, printed bill, the following: "*provided*, that officers of the National Guard may be detailed to act as Aides-de-Camp on the staff of the Commander-in-Chief, but shall not add to the grade of the officer as appointed. Officers so detailed shall not be relieved from duty with their respective organizations, but shall perform all duty pertaining thereto, except when actually on duty as Aides-de-Camp under the orders of the Governor."

Amendment adopted.

Also: Amend by striking out the word "seven," line 1, Section 17, page 6, printed bill, and inserting in lieu thereof the word "eight."

Amendment adopted.

Also: Amend by inserting the word "Lieutenant" after the words "grade of" line 9, Section 24, page 12, printed bill.

Amendment adopted.

Also: Amend by striking out the words "who shall be engineer-in-chief," and also one of the commas in line 9, Section 24, page 12, printed bill.

Amendment adopted.

Also: Amend by inserting the word "assistant" after the words "shall be" in line 16, Section 24, page 12, printed bill.

Amendment adopted.

Also: Amend by striking out the words "rifle and" in lines 17 and 18, Section 24, page 12, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "practice" the following: "and Assistant Chief of Ordnance" in line 18, Section 24, page 12, printed bill.

Amendment adopted.

Also: Amend by inserting after the words "not above" the following: "the rank of," in line 24, Section 24, page 12, printed bill.

Amendment adopted.

Also: Amend by inserting after the words "of one" the word "assistant," in line 4, Section 25, page 12, printed bill.

Amendment adopted.

Also: Amend by striking out the word "assistant" before the word "surgeon," in line 29, Section 26, page 14, printed bill.

Amendment adopted.

Also: Amend by striking out the word "assistant" after the word "one," in line 47, Section 26, page 14, printed bill.

Amendment adopted.

Also: Amend by changing the form of the brackets from square to round in line 70 and line 73, Section 26, page 15, printed bill.

Amendment adopted.

Also: Amend by inserting the words "the National Guard" after the word "commanding," in line 5, Section 27, page 15, printed bill.

Amendment adopted.

Also: Amend by striking out the words "one Second Lieutenant" and omitting one of the commas, in line 7, Section 27, page 15, printed bill.

Amendment adopted.

Also: Amend by striking out the word "twenty," in line 9, Section 27, page 15, printed bill, and inserting in lieu thereof the word "thirty."

Amendment adopted.

Also: Amend by inserting after the word "First Lieutenant" the words "and one Sergeant-Major," in line 14, Section 27, page 15, printed bill.

Amendment adopted.

Amend by inserting after the word "Governor" the following: "as are other officers of the National Guard," in line 23, Section 27½, page 16, printed bill.

Amendment adopted.

Also: Amend by striking out the words "a list of" in line 26, Section 27½, page 16, printed bill, and inserting in lieu thereof the word "enlisted."

Amendment adopted.

Also: Amend by striking out the words "commanding officer of the guard" in line 31, Section 27½, page 16, printed bill, and inserting in lieu thereof the words "Surgeon-General."

Amendment adopted.

Also: Amend by striking out the words "commanding officer of the guard," in lines 54 and 55, Section 27½, page 17, printed bill, and inserting in lieu thereof the word "Governor."

Amendment adopted.

Also: Amend by striking out the word "and" in line 7, Section 28, page 17, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "guard" the following: "as are other officers of the National Guard," in line 41, Section 28, page 18, printed bill.

Amendment adopted.

Also: Amend by striking out the lines 77, 78, 79 and 80, Section 28, page 19, printed bill.

Amendment adopted.

Also: Amend by inserting after the words "the army" the words "or navy" in line 10, Section 29, page 19, printed bill.

Amendment adopted.

Amend by inserting after line 16, Section 29, page 20, printed bill, the following: "3. The commanding officer of a regiment, or battalion, or squadron, not part of a regiment, or Naval Militia, may, after having first obtained the permission of the Board of Location and Organization therefor, organize and uniform at the expense of his command, a band of musicians to be under his direction and command, who, while on duty, shall be subject to all the laws and regulations for the government of the National Guard and Naval Militia, except that they shall not be mustered in as prescribed for enlisted men, and shall not be counted in the aggregate force, and such commanding officer may disband such band, whether now or hereafter established, and revoke the warrant of the bandmaster."

Amendment adopted.

Also: Amend by striking out the word "ten," in line 9, Section 31, page 20, printed bill, and inserting in lieu thereof the word "fifteen."

Amendment adopted.

Also: Amend by inserting after the word "list" the following: "until the expiration of the term of office for which they were enlisted or appointed," in line 7, Section 32, page 20, printed bill.

Amendment adopted.

Also: Amend by striking out the word "eight," in line 7, Section 33, page 21, printed bill, and inserting in lieu thereof the word "six."

Amendment adopted.

Also: Amend by striking out the word "ten," in line 8, Section 33, page 21, printed bill, and inserting in lieu thereof the word "eight."

Amendment adopted.

Also: Amend by inserting the word "the" after the words "than in," in line 28, Section 38, page 25, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "copy" the words "to each commissioned officer and headquarters," in line 15, Section 40, page 26, printed bill.

Amendment adopted.

Also: Amend by striking out the words "and Controller, and filed in the latter's office," in line 10, Section 41, page 28, printed bill.

Amendment adopted.

Also: Amend by inserting after the words "Adjutant-General" the following: "of the Board of Location and Organization," in line 5, Section 42, page 28, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "places" the word "as," in line 24, Section 44, page 29, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "privates" the following: "petty officers or enlisted men," in line 8, Section 48, page 31, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "battalion" the words "or Naval Militia," in line 10, Section 48, page 31, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "encampment" the word "cruise," in line 28, Section 57, page 36, printed bill.

Amendment adopted.

Also: Amend by striking out the word, etc., "i j paid," in line 9, Section 70, page 43, printed bill, and inserting in lieu thereof the word "impair."

Amendment adopted.

Also: Amend by inserting after the word "county" the words "or county," in line 13, Section 70, page 44, printed bill.

Amendment adopted.

Also: Amend by striking out the word "chapter," in line 4, Section 76, page 45, printed bill, and inserting in lieu thereof the word "Code."

Amendment adopted.

Also: Amend by striking out the word "chapter" in line 8, Section 78, page 46, printed bill, and inserting in lieu thereof the word "Code."

Amendment adopted.

Also: Amend by inserting after the word "soldier," the words "petty officer or enlisted men" in line 3, Section 88, page 49, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "military" the words "or naval" in line 4, Section 88, page 49, printed bill.

Amendment adopted.

Also: Amend by inserting the words "or division" after the word "company" in line 6, Section 88, page 49, printed bill.

Amendment adopted.

Also: Amend by inserting the word "he" before the word "shall" in line 14, Section 92, page 51, printed bill.

Amendment adopted.

Also: Amend by striking out the word "as," in line 14, Section 92, page 51, printed bill.

Amendment adopted.

Also: Amend by striking out the word "three," after the word "least," in line 23, Section 92, page 51, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

Also: Amend by striking out the word "commissioned," after the words "as a," in line 25, Section 92, page 51, printed bill, and inserting in lieu thereof the word "field."

Amendment adopted.

Also: Amend by inserting after the word "State," the following: "or as an officer of the United States Army," in line 56, Section 92, page 52, printed bill.

Amendment adopted.

Also: Amend by striking out the words "commanding officer of the National Guard," in line 64, Section 92, page 52, printed bill, and inserting in lieu thereof the word "Governor."

Amendment adopted.

Also: Amend by striking out the words "a member," in line 80, Section 92, page 52, printed bill, and inserting in lieu thereof the word "members."

Amendment adopted.

Also: Amend by striking out the word "this," after the word "of," in line 82, Section 92, page 52, printed bill, and inserting in lieu thereof the word "their."

Amendment adopted.

Also: Amend by striking out the word "regular," in line 104, Section 92, page 53, printed bill, and inserting the word "regularly."

Amendment adopted.

Also: Amend by striking out the comma after the word "battalions," in line 15, Section 93, page 53, printed bill, and inserting in lieu thereof the word "of."

Amendment adopted.

Also: Amend by striking out the words "different companies comprising a," in line 63, Section 92, page 55, printed bill.

Amendment adopted.

Also: Amend by striking out the words "of the divisions" after the word "officers," in line 67, Section 93, page 55, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "militia" the words "other than staff officers," in line 68, Section 93, page 55, printed bill.

Amendment adopted.

Also: Amend by striking out the subdivision entitled "Elections," Section 93, lines 80 to 97, inclusive, pages 55 and 56, printed bill, and inserting in lieu thereof the following: "Elections—The commanding officer of the National Guard shall issue orders for the election of Captain, Commander, and Lieutenant-Commander of the Naval Militia and all elective officers of the Signal Corps, squadron of cavalry or for other elected officers not otherwise provided for in this section. The commanding officers of brigades shall issue orders for the election of all elective officers of their respective commands. The commanding officer of the Naval Militia shall issue orders for the election of all elective officers of the Naval Militia other than Commander and Lieutenant-Commander. At any election held in the Naval Militia, Signal Corps or squadron of cavalry, the officers entitled to vote thereat but living more than one hundred miles away from the place where the election is to be held and not being in attendance, may send their proxy to vote at such election, sealed and containing the name of the sender's choice, to the presiding officer at such election, who shall open such proxy only in the meeting and it shall count as if the officer giving it were present."

Amendment adopted.

Also: Amend by inserting after the word "present" the words "in person or by proxy, where permitted," in line 121, Section 93, page 56, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "present" the words "in person or by proxy, where permitted," in line 122, Section 93, page 56, printed bill.

Amendment adopted.

Also: Amend by striking out the words "commanding officer of the National Guard," in lines 5 and 6, Section 98, page 59, printed bill, and inserting in lieu thereof the word "Governor."

Amendment adopted.

Also: Amend by striking out the word "school" before the word "shall," in line 8, Section 98, page 59, printed bill, and inserting in lieu thereof the word "company."

Amendment adopted.

Also: Amend by transposing the words "numbered and known" to "known and numbered," in line 2, Section 99, page 59, printed bill.

Amendment adopted.

Also: Amend by striking out the words "division headquarters" in line 9, Section 100, page 60, printed bill, and inserting in lieu thereof the words "headquarters of the National Guard."

Amendment adopted.

Also: Amend by inserting after the word "brigade" the following: "for the support of the brigade headquarters," in line 11, Section 100, page 60, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "therein" the following: "for the support of headquarters," in line 16, Section 100, page 60, printed bill.

Amendment adopted.

Also: Amend by striking out the word "battalion" in line 21, Section 100, page 60, printed bill, and inserting in lieu thereof the word "militia."

Amendment adopted.

Also: Amend by striking out the word "battalion" in line 27, Section 100, page 60, printed bill, and inserting in lieu thereof the word "militia."

Amendment adopted.

Also: Amend by inserting after the words "of armory," the following: "provided, that no expense shall be incurred for any armory, armorer, or for the care or expenses of furnishing or maintaining of any armory until the Board of Location and Organization shall have first approved the same, and thereafter no change shall be made without the consent of said board."

Amendment adopted.

Also: Amend by inserting after the word "encampments," the brackets and words "[and cruises]" in line 52, Section 100, page 61, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "army," the words "or navy" in line 63, Section 100, page 61, printed bill.

Amendment adopted.

Also: Amend by inserting before the word "for," the following: "and the Fleet Paymaster of the Naval Militia, twenty-five dollars per month," in line 100, Section 100, page 62, printed bill.

Amendment adopted.

Also: Amend by striking out the words "approved by the commanding officer of the National Guard," and changing the punctuation in line 24, Section 27, page 16, printed bill.

Amendment adopted.

Also: Amend by striking out the word "shall," in line 39, Section 28, page 18, printed bill, and inserting in lieu thereof the word "may."

Amendment adopted.

Also: Amend by striking out the words "petty officer and enlisted men," line 3, Section 88, page 49, an amendment to printed bill, and inserting in lieu thereof the words "nor sailor."

Amendment adopted.

Also: Amend by striking out the word "Aides-de-Camp," and inserting in lieu thereof the words "and staff officers," in line 48, page 51, printed bill.

Amendment adopted.

Also: Amend by inserting after the word "staff" the words "except the Assistant Adjutant-General," line 49, page 51, printed bill.

Amendment adopted.

Also: Amend by striking out the words "commanding officer of the National Guard," and inserting in lieu thereof the words "Board of Location," line 5, page 59, printed bill.

Amendment adopted.

Also: Amend by inserting a comma after the word "mounted," line 87, page 62, printed bill.

Amendment adopted.

Also: Amend by striking out the words "any purpose," in line 97, page 62, printed bill, and inserting in lieu thereof the words "horse hire."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

CONSIDERATION OF MOTIONS TO RECONSIDER POSTPONED.

Senator Davis asked unanimous consent to postpone until next legislative day the consideration of his motion to reconsider the vote whereby Senate Bill No. 63 was refused passage, motion having been made on a previous day.

Unanimous consent granted, and further consideration of motion to reconsider postponed until Wednesday, March 1, 1899.

Senator Nutt asked unanimous consent to postpone until Thursday, March 2, 1899, the consideration of his motion to reconsider the vote whereby Senate Bill No. 170 was refused passage, said motion having been made on a previous day.

Unanimous consent granted, and further consideration of motion to reconsider postponed until Thursday, March 2, 1899.

MOTION.

On motion of Senator Brauhnart, his substitute for Senate Bill No. 34 was ordered to print.

ADJOURNMENT.

At ten o'clock and fifty minutes P. M., on motion of Senator Bulla, the Senate was declared adjourned until ten o'clock A. M. of Wednesday, March 1, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 1, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—29.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Tuesday, February 28, 1899, was read.

The Journal of Saturday, February 25, 1899, was approved.

PETITIONS.

Senator Ashe presented the following petitions, which were read and ordered printed in the Journal, down to and including the first six names:

To the Honorable Members of the Senate and Assembly, Sacramento:

We, the undersigned wage-earners of the State of California, do hereby petition your honorable bodies to give us the relief asked for in the amendment to the Penal Code of the State introduced by the Hon. R. Porter Ashe, seeking to transfer the payment of fees at employment agencies from employes to employers, thereby putting an end to collusion and other evils resulting from the present methods.

HENRY BORMANN.
FRED WARNKE.
FRED HENKEL.
FRITZ WILLIAMS.
LOUIS W. F. ZION.
J. F. HILSINVEK.

And three hundred others.

Also:

SAN FRANCISCO, CAL., February 13, 1899.

To the Honorable Members of the Senate and Assembly, Sacramento, Cal.:

We, the undersigned members of the Pacific Coast German Cooks' Society, do hereby petition your honorable bodies to give us and all our fellow wage-earners of this State the relief asked for in the amendment to the Penal Code of the State introduced by the Hon. R. Porter Ashe (Senate Bill No. 487), seeking to transfer the payment of fees at employment agencies from employes to employer, thereby putting an end to collusion and other evils resulting from the present methods.

CH. SERVELOH.
GEO. BURR.
E. H. E. BUSCH.
H. W. HAGE.
HENRY BORMANN.
EDWARD BARWICK.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 554—An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by various State institutions, commissions, and officers, and directing the disposition of the same.

Also: Assembly Bill No. 847—An Act to amend Section 2712 of the Political Code, relative to bridges, subways, and culverts.

Also: Assembly Bill No. 359—An Act to amend Section 473 of the Code of Civil Procedure of the State of California, relating to relief from judgments, orders, or proceedings.

Also: Assembly Bill No. 504—An Act to amend Sections 21, 22, 26, 28, 42, and 57 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Assembly Bill No. 440—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors and by the municipal authorities of cities and towns to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations when found necessary, without offering the same for sale, excepting from the operations of this Act any property under the jurisdiction or control of any Board of State Harbor Commissioners.

Also: Assembly Bill No. 789—An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American War of 1898, their privileges and exemptions, and the legalizing of orders and acts regarding the reorganization of the National Guard of the State of California.

Also: Adopted Senate Joint Resolution No. 20—Relative to the construction of Pacific cable, and requesting that Congress require the same to be of American make.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 554 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 847 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 359 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 789 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 504 read first time, and referred to Committee on Irrigation and Water Rights.

Assembly Bill No. 440 read first time, and ordered on special file of Assembly bills, without reference to committee.

Senate Joint Resolution No. 20 ordered to enrollment.

SPECIAL ORDER.

The special order heretofore set for this hour, being the consideration of the report of the Committee on Attachés, Contingent Expenses, and Mileage—relative to the adoption of the resolution to pay the expenses of the Senate Committee on State Institutions—was taken up.

The following amendment to the resolution was offered by Senator La Rue:

Amend by striking out of the report all items in reference to the expert architects, and also all items of expense incurred for stenographic and typewriting while investigating the Harbor Commissions of this State.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Simpson, Bulla, and La Rue.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Dwyer, Hall, La Rue, Nutt, Rowell, Sims, Smith, Taylor, and Trout—12.

NOES—Senators Bettman, Boyce, Bulla, Chapman, Curtin, Cutter, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Simpson, Stratton, and Wolfe—23.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Chapman, Curtin, Cutter, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Stratton, and Wolfe—25.

NOES—Senators Ashe, Braunhart, Burnett, Dwyer, Hall, La Rue, Rowell, Sims, Taylor, and Trout—10.

MOTION.

On motion of Senator Doty, Senate Bill No. 601 was ordered returned from the Committee on Judiciary.

EXPLANATION OF VOTE.

On request of Senator Curtin, the following statement was ordered printed in the Journal, as explanation of his vote on the resolution referred to:

MR. PRESIDENT: I voted in favor of the adoption of this resolution on the grounds: 1. That while the resolution adopted in 1897, empowering this committee to make certain investigations, did not in terms direct the investigation of the San Francisco Depot contracts, it did contain language broad enough to include it as one of the affairs to be investigated, and the committee having in good faith proceeded in that direction, giving their time and attention to that investigation, and without compensation, I would not assume that they acted in that behalf upon other than the highest motives of good faith. I am opposed to all such commissions, but the error cannot be now cured by refusing to pay claims arising, as in this instance, and therefore voted in favor of the adoption of the resolution.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, March 1, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. F. E. Dunlap, Speaker pro tem. of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancey, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Tuolumne, McKee, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Radcliff, Raub, Raw, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Wright—75.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Tuesday, February 28, 1899. The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker pro tem. of the Assembly announced that the proceedings of the Joint Assembly of Tuesday, February 28, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Frisk, and Sims—11.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received.....	7 votes.
D. M. Burns received.....	8 votes.
U. S. Grant, Jr., received.....	7 votes.
Irving M. Scott received.....	3 votes.
Stephen M. White received.....	11 votes.
James D. Phelan received.....	1 vote.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Robinson, and Valentine—13.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, McKee, Miller of San Francisco, Pierce, Eugene Sullivan, and Wright—17.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Tuolumne, Merrill, Merritt, Milice, Raub, Raw, and Works—19.

For Irving M. Scott—Messrs. Cosper and Dunlap—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—16.

For James D. Phelan—Messrs. Burnett and Hoey—2.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	72
W. H. L. Barnes received	13 votes.
M. M. Estee received	1 vote.
D. M. Burns received	17 votes
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
Stephen M. White received	16 votes.
James D. Phelan received	2 votes.
John Rosenfeld received	1 vote.

The Speaker pro tem. of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	109
Necessary to a choice	55
W. H. L. Barnes received	20 votes.
M. M. Estee received	1 vote.
D. M. Burns received	25 votes.
U. S. Grant, Jr., received	26 votes.
Irving M. Scott received	5 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote
Stephen M. White received	27 votes.
James D. Phelan received	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—11.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	3 votes.
Stephen M. White received	11 votes.
James D. Phelan received	1 vote.

The Speaker pro tem. of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Messrs. Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Robinson, and Valentine—13.

For *M. M. Estee*—Mr. Wade—1.

For *D. M. Burns*—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, McKeen, Miller of San Francisco, Pierce, Eugene Sullivan, and Wright—17.

For *U. S. Grant, Jr.*—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Tuolumne, Merrill, Merritt, Milice, Raub, Raw, and Works—19.

For *Irving M. Scott*—Messrs. Cosper and Dunlap—2.

For *Marion De Vries*—Mr. Brooke—1.

For *Stephen M. White*—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—16.

For *John D. Phelan*—Messrs. Burnett and Hoey—2.

For *John Rosenfeld*—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	72
W. H. L. Barnes received	13 votes.
M. M. Estee received	1 vote.
D. M. Burns received	17 votes.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	16 votes.
James D. Phelan received	2 votes.

The Speaker pro tem. of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	109
Necessary to a choice	55
W. H. L. Barnes received	20 votes.
M. M. Estee received	1 vote.
D. M. Burns received	25 votes.
U. S. Grant, Jr., received	26 votes.
Irving M. Scott received	5 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	27 votes.
James D. Phelan received	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Assemblyman Belshaw, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Thursday, March 2, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty-five minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger,

Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

Quorum present.

RECESS.

At twelve o'clock and forty-five minutes P. M., the hour of recess having arrived, the President declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—32.

Quorum present.

MOTION.

Senator Simpson moved that the following amendment:

Amend by inserting in Section 1, line 46, after the word "another," the following: "upon such line purchased."

Be inserted in the proposed Substitute for Senate Bill No. 27—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carriers in this State, of any or all of the property and franchises owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or of any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease by any such corporation, as above mentioned, of any such property, or franchises, or both, which it may own, use, or hold, wholly or partially, in this State—heretofore ordered to print.

Motion carried.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 5—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

Passed on file.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition in 1900; also, for preparing and printing literature

for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Passed on file.

Assembly Bill No. 182—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners, approved March 4, 1881 (Stats. 1881, p. 26), relating to assessing and collecting said taxes.

Passed on file.

Assembly Bill No. 22—An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon.

Passed on file.

Assembly Bill No. 247—An Act prohibiting the payment of money by the State to counties, and cities and counties, for the collection of taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 247 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Taylor—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 465—An Act to amend Section 1702 of the Code of Civil Procedure of the State of California, relating to the appointment of trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 465 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Taylor—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 351—An Act to amend Sections 8 and 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Read second time, and ordered to third reading.

Assembly Bill No. 138—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to

regulate the practice of dentistry in the State of California." approved March 12, 1885, and to add two new sections thereto, all relating to the State Board of Dental Examiners, and regulating the practice of dentistry in this State.

During the second reading of bill, the following amendments were submitted by the committee:

Amend Section 5 as follows: In line 26, Section 5, page 2 of said bill, strike out the words "in the State of California."

Amendment adopted.

Also: Strike out the following: Commencing with the word "or," in line 28, Section 5, page 2, and all thereafter down to and including the word "years," in line 30, said page 2, and insert in lieu thereof the following: "or can furnish to said Board of Examiners satisfactory evidence that he has been a practitioner of dentistry for at least five years."

Amendment adopted.

Bill read second time, and ordered to print.

Assembly Bill No. 326—An Act making an appropriation for improving, enlarging, and equipping the State fish hatcheries at Sisson and Price Creek.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 326 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—25.

NOES—Senator Hall—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 375—An Act to amend Section 1281 of the Political Code.

Read second time, and ordered to third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 721—An Act to amend Section 1379 of the Political Code, relating to the election of delegates to conventions of political parties at elections known and designated as primary elections.

Also: Senate Bill No. 10—An Act to amend Sections 3, 4, 5, 6, 7, 8, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, as amended by an Act entitled "An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled 'An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands,'" approved April 15, 1880; approved March 19, 1889.

And report that the same have been correctly enrolled, and presented the same to the Governor on this first day of March, 1899, at ten o'clock A. M.

Also: Senate Bill No. 96—An Act to amend Section 798 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, concerning the powers of Boards of Education of cities of the fifth class.

Also: Senate Bill No. 66—An Act to amend Section 844 of the Code of Civil Procedure.

Also: Senate Bill No. 5—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to

provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893," approved March 9, 1897.

And report that the same have been correctly enrolled, and presented the same to the Governor on this first day of March, 1899, at eleven o'clock A. M.

JONES, Chairman.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS—(RESUMED).

Assembly Bill No. 348—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law," approved March 2, 1897.

Read second time, and ordered to third reading.

Assembly Bill No. 438—An Act authorizing women to vote at school elections, and defining the qualifications of such voters.

Read second time, and ordered to third reading.

Assembly Bill No. 373—An Act to amend Sections 3571 and 3572 of the Political Code, relating to public lands and funds.

Read second time, and ordered to third reading.

ASSEMBLY CONCURRENT RESOLUTION NO. 16.

Relative to consent of the Legislature to the absence of the Governor of the State, Hon. Henry T. Gage, from the State for a period not to exceed four months.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California has consented, and does hereby consent, that the Governor of the State of California, the Honorable Henry T. Gage, may depart from the State of California at any time during the remainder of his official term, and may remain absent for a period not to exceed four months from and immediately succeeding the time of his departure.

Assembly Concurrent Resolution No. 16 read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 16 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Morehouse, Nutt, Pace, Frisk, Rowell, Simpson, Smith, Stratton, Taylor, and Wolfe—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

Committee Substitute for Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations.

During the second reading of bill, the following amendments were offered by Senator Wolfe:

Amend by striking out of Section 2, line 29, beginning with "a payment," down to and including the word "association," in line 41.

Amendment lost.

Also: Amend by striking out of Section 2, line 67, the word "ten," and inserting the word "two," and after words "per cent" inserting the words "per month."

Amendment adopted.

Also: Amend by striking out of Section 4, line 6, the word "thirty," and inserting the word "sixty."

Amendment lost.

The time for the consideration of the special file of Assembly bills

having expired, further consideration of Assembly Bill No. 660 was postponed until next legislative day, at the time for the consideration of the special file of Assembly bills.

LEAVE OF ABSENCE.

At three o'clock and twenty-five minutes P. M., Senator Simpson was granted a leave of absence for the remainder of the day, on his own motion.

SPECIAL ORDER RESET.

The hour of three o'clock and thirty minutes P. M. having arrived, the special order heretofore set for this hour, being the consideration of Assembly Joint Resolution No. 12—Relative to exposition at San Francisco, in 1901, of products and industries of Pacific Ocean countries—was postponed until three o'clock and thirty minutes P. M. of Thursday, March 2, 1899, and made a special order for that hour.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Dickinson, in compliance with his notice given on yesterday, moved that the vote whereby Assembly Bill No. 651—An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State of California for the benefit of the United States in aiding the State volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful—was refused passage be reconsidered.

The motion was seconded.

Senator Dickinson moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 651 was refused passage be postponed until Thursday, March 2, 1899.

So ordered.

At three o'clock and forty-five minutes P. M., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth District, in the chair.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 487—An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653½, relating to the fees charged by employment agencies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 487 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Curtin, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, La Rue, Leavitt, Morehouse, Nutt, Prisk, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—22.

NOES—Senators Bettman, Bulla, Dickinson, Jones, Laird, Langford, Luchsinger, Shortridge, and Smith—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

TELEGRAM CONCERNING HAWAIIAN POSTAL CABLE.

The following telegram was received and read:

WASHINGTON, D. C., March 1, 1899.

To the HON. F. J. BRANDON, Secretary of Senate, Sacramento, California:

Have presented joint resolution from the California Legislature relating to the

manufacture of Hawaiian postal cable to United States. The bill has been amended providing for the manufacture of the cable in the United States.

GEORGE C. PERKINS.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 500—An Act to amend Section 472 of the Political Code of California, relating to Attorney-General—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GILLETTE, Chairman.

Assembly Bill No. 500 ordered on special file of Assembly bills for second reading.

REPORT OF COMMITTEE OF CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: Your committee of conference concerning Senate Bill No. 54—An Act to provide for the issuance and sale of state bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—report that we have met a like committee of the Assembly, consisting of Assemblymen Miller of San Francisco, Caminetti, and Knowland; and we report that the committee of conference have failed to agree, and recommend the appointment of a free conference committee to meet a like committee from the Assembly.

BRAUNHART,
DICKINSON,
STRATTON,
Committee.

APPOINTMENT OF FREE CONFERENCE COMMITTEE.

In compliance with the above request, Hon. Frank W. Leavitt appointed Senators Braunhart, Dickinson, and Stratton a committee of free conference.

RECESS.

At four o'clock and twenty-five minutes P. M., on motion of Senator Dickinson, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Laird, Langford, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—26.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith:

Resolved, That the Sergeant-at-Arms provide the Press Mailing Clerks with \$50 worth of postage stamps, the same payable out of the fund for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for said sum of \$50 in favor of the Sergeant-at-Arms, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

Senator Davis moved to take up Senate Bill No. 27.

Motion carried.

Senate Bill No. 27—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now, or hereafter may be doing business as common carrier in this State, of any or all of the property and franchises, owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State, or any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease by any such corporation, as above mentioned, of any such property or franchises, or both, which it may own, use, or hold, wholly or partially in this State.

During the second reading of bill, the following committee substitute was offered by Senator Simpson:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 27.

An Act amending the Civil Code of the State of California by adding thereto a new section, to be numbered 494, authorizing the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code of the State of California, numbered section four hundred and ninety-four, to read as follows:

Section 494. Any railroad corporation owning any railroad in this State may sell, convey, and transfer its property and franchises, or any part thereof, to any other railroad corporation, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress; and any other such railroad corporation receiving such conveyance may hold and operate such railroad franchises and property within this State, build and operate extensions and branches thereof, and thereunto exercise the right of eminent domain, and do any other business in connection therewith, as fully and effectually to all intents and purposes as if such corporation were organized under the laws of this State; *provided*, that such sale, conveyance, and transfer shall be made within three years from the date this Act shall take effect; *and provided further*, that before such sale, conveyance, or transfer shall become operative, an agreement in writing must be executed by the parties thereto, containing the terms and conditions of the purchase and sale, and its execution must be authorized by the board of directors and ratified by three fourths of the stockholders of each of the railroad companies that are parties to such conveyance and transfer, and said agreement or conveyance shall be recorded in each county through which said road or roads pass in this State; *and provided further*, that no sale, conveyance, or transfer under this Act shall relieve the franchise or property sold, conveyed, or transferred from the liability of the grantor contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges; *provided*, that this section shall not authorize any corporation to purchase any railroad property operated in competition with it; *and provided, however*, corporations operating any railroad or part of a railroad under lease shall be entitled to purchase such leased property (whether competitive or otherwise) under the provisions and subject to the conditions of this Act; *and provided further*, that any or all established rates for fares and tolls for carrying passengers or freight between any points upon any railroad purchased under the provisions of this Act shall not be increased without the consent of the governmental authority in which is vested by law the power to regulate fares and freights; *and provided further*, that whenever a railroad corporation, which has purchased any line of road under this Act, shall for the purpose of competing with any other common carrier lower its rates for transportation of passengers or freight from one point to another upon such line purchased such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights; *and provided further*, that for every violation of the provisions of this Act on the part of directors, or other governing officers of said corporation, the State shall be entitled to recover from such offending railroad company the sum of ten thousand

dollars. It is hereby declared to be the duty of the Attorney-General of the State, in the event of any such violation, to demand and collect from such company the said penalty; and he is hereby authorized and empowered to prosecute all the necessary actions in the name of the people of the State of California against such company in the courts of the State. All money so collected shall be paid into the General Fund of this State.

Sec. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print and engrossment.

SENATE SPECIAL FILE—SECOND READING OF BILLS.

Senate Bill No. 662—An Act to amend Section 1416 of the Civil Code, relative to water rights.

During the second reading of bill, the following amendment was offered by Senator Morehouse:

Strike out of Section 1 of printed bill all after the word "rain," in line 7, to and including line 15.

Amendment lost.

The following amendment was offered by Senator Boyce:

Amend by striking out of Section 1, line 11, the word "constructed," and inserting the following: "in good faith commenced the construction of."

Amendment lost.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 493—An Act to provide for sweeping, cleaning, and sprinkling streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities.

Read second time, ordered to print and engrossment.

Senate Bill No. 73—An Act for the relief of district agricultural associations, and appropriating money therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "and appropriating money therefor," in the title of the bill, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out after the word "association," line 6, Section 1, page 1, printed bill, the words "and by and for any agricultural association or society in the purchase of the property held, to which said district agricultural association has succeeded," and inserting in lieu thereof, in parenthesis, the words ("other than for indebtedness incurred in the purchase of real estate held by such associations").

Amendment adopted.

Also: Amend by striking out after the word "State" all the following words to the end of the section in line 7, Section 2, page 2, printed bill.

Amendment adopted.

Also: Amend by striking out all of Section 3.

Amendment adopted.

Also: Amend by striking out all of Section 4.

Amendment adopted.

Also: Amend by renumbering Section 5, and making it "Section 3," line 1, Section 5, page 2, printed bill.

Amendment adopted.

The following amendment was offered by Senator Burnett:

Amend the enacting clause by striking out all the words after the word "in" and substituting the words "Senate and Assembly do enact as follows."

Amendment adopted.

The following amendment was offered by Senator Curtin:

Amend by striking out of the title the words "for the relief of district agricultural associations" and inserting in lieu thereof the following: "providing for the ascertainment of the indebtedness of the State to the several district agricultural associations in this State contracted in the improvement of the real estate of such associations and in the holding of fairs."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Davis asked unanimous consent to postpone until next legislative day the consideration of his motion to reconsider the vote whereby Senate Bill No. 63 was refused passage, motion having been made on a previous day.

Unanimous consent granted, and further consideration of motion to reconsider postponed until Thursday, March 2, 1899.

SPECIAL FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 435—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act."

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words and figures "sixty thousand dollars (\$60,000)" in line 4, Section 2, page 2, printed bill, and inserting in lieu thereof the following: "twenty-five thousand dollars (\$25,000)."

Amendment adopted.

Also: Amend by striking out the words and figures "twenty thousand dollars (\$20,000)," in line 5, Section 2, page 2, printed bill, and inserting in lieu thereof the following: "ten thousand dollars (\$10,000)."

Amendment adopted.

Also: Amend by striking out the words and figures "forty thousand dollars (\$40,000)," in line 7, Section 2, page 2, printed bill, and inserting in lieu thereof the following: "fifteen thousand dollars (\$15,000)."

Amendment adopted.

Also: Amend by striking out the words "and after its passage," in lines 1 and 2, Sec-

tion 3, page 2, printed bill, and inserting in lieu thereof the words "the first day of January, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 450—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Read second time, and ordered to engrossment.

Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, and the Act amendatory thereof, approved April 1, 1897.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "fifteen," in line 15, Section 1, page 1, printed bill, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

Also: Amend by striking out the word "fifteen," in line 17, Section 1, page 2, printed bill, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 464—An Act relating to permissive physical examinations by Boards of School Trustees and City Boards of Education, and providing for a Bureau of Child Study.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out of Section 2, line 1, the word "Governor," and inserting the following: "Superintendent of Public Instruction."

Amendment adopted.

Also: Amend by adding in Section 6, line 3, after the word "paid," the following: "from and after January first, nineteen hundred."

Amendment adopted.

Also: Amend by striking out of Section 7, line 1, the words "thirty days after its passage," and inserting the word "immediately."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

MOTION.

Senator Braunhart moved to place Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors—on the Senate special file, in accordance with the resolution adopted on a previous day by the Senate providing for the same.

Motion carried

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 847—An Act to amend Section 2712 of the Political Code, relative to

bridges, subways, and culverts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTER, Chairman.

Assembly Bill No. 847 ordered on special file for second reading.

ADJOURNMENT.

At ten o'clock and five minutes P. M., on motion of Senator Davis, the Senate was declared adjourned until ten o'clock A. M. of Thursday, March 2, 1899.

IN SENATE.

SENATE CHAMBER,
Thursday, March 2, 1899. {

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, March 1, 1899, was read.

The Journal of Monday, February 27, 1899, was approved.

SPECIAL ORDER.

The special order heretofore set for this hour—the consideration of all constitutional amendments on file—was proceeded with.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 23.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as Section 10, Article IX, thereof, confirming the founding of the Leland Stanford Junior University, delegating certain powers to the trustees thereof, and authorizing the exemption of certain of its property from taxation.

The Legislature of the State of California, at its thirty-third session, commencing on the second day of January, Anno Domini one thousand eight hundred and ninety-nine, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that a new section be added to the Constitution of the State of California, to be known and designated as section ten, article nine, thereof, as follows:

Section 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An Act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed.

The Board of Trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The Legislature, by special Act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special Act from State taxation, and all personal property so held, the Palo Alto Farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by Act of the Legislature.

At ten o'clock and twenty-five minutes A. M., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth District, in the chair.

At ten o'clock and forty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Constitutional Amendment No. 23 read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 23 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hoey, Laird, Langford, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Stratton, Taylor, and Wolfe—29.

NOES—Senators Gillette, Jones, La Rue, Luchsinger, Rowell, Smith, and Trout—7.

Assembly Constitutional Amendment No. 23 ordered transmitted to the Assembly.

REPORT OF COMMITTEE OF FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: Your committee of free conference concerning Senate Bill No. 56—An Act to amend Section 737 of the Political Code relating to salaries of justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court—report that we have met a like committee of the Assembly, consisting of Assemblymen Cobb, Caminetti, and A. M. McDonald, and we report that the committee of free conference agreed upon and recommend that the Senate concur in the Assembly amendments to said bill.

WOLFE,
MOREHOUSE,
CURTIN,

Committee of Free Conference of the Senate.

The report was read.

The question being on the adoption of the report.

The roll was called, and the report of committee of free conference on Senate Bill No. 56 refused adoption by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Curtin, Dickinson, Dwyer, Jones, Nutt, Smith, Stratton, and Wolfe—13.

NOES—Senators Bulla, Cutter, Doty, Flint, Gillette, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Simpson, Sims, Taylor, and Trout—18.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Bettman, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 23, 1899. }

To the Senate of the State of California:

I herewith return to your honorable body, without my approval, Senate Bill No. 82—

An Act authorizing the State Treasurer to furnish his office and the vault therein, and making an appropriation therefor—with my objections thereto.

The sum of \$7,500, appropriated by this bill for furnishing the vault and other fixtures and repairs in the State Treasurer's office, is altogether excessive, as I have found after a personal examination.

In addition to this objection, the amount appropriated is made payable this year, instead of being made payable on or after January 1, 1900.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 2, 1899. }

To the Senate of the State of California:

I herewith return to your honorable body, without my approval, Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor—with my objections thereto.

This bill attempts to authorize the Controller to draw his warrant in favor of one Lawrence Dunnigan for the sum of \$5,000.

If Mr. Dunnigan has any claim against the State, it ought to be paid. If he has no legal claim against the State, the Legislature has no power to make him a gift of \$5,000, or any other sum. (Section 30, Article IV of the Constitution.)

In this matter, so that justice may be done to Mr. Dunnigan in the premises, I would recommend that he be granted the right to sue the State.

Until such claim be legally established, I am compelled to disapprove of the bill under the Constitution.

HENRY T. GAGE,
Governor of the State of California.

The above communications from the Governor were referred to the Committee on Executive Communications and Nominations.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 2, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 211—An Act making an appropriation to pay the claim of Thomas Hatch.

HENRY T. GAGE,
Governor of the State of California.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Assembly Bill No. 509—An Act providing for the maintenance of a residence for the Governor of the State of California, and empowering the State Capitol Commissioners to provide for the heating, lighting, repairs, and renewal of the furnishings of said residence, and providing for the number and the salaries of the necessary employes and servants selected and employed by the Governor therein, and for the appropriation of necessary money for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance and Claims.

SMITH, Chairman.

Assembly Bill No. 509 referred to Committee on Finance and Claims.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly reengrossed: Senate Bill No. 325—An Act to provide for the erection of buildings, and certain improvements for the University of California and its affiliated colleges, and making an appropriation therefor.

Also (engrossed): Senate Bill No. 302—An Act to create a special fund to be known as the "State Débris Construction Fund," and to transfer from the General Fund to such State Débris Construction Fund the sum of \$250,000.

Also: Committee Substitute for Senate Bill No. 491—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Senate Bill No. 359—An Act to regulate the practice of architecture.

Also: Substitute for Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

JONES, Chairman.

Senate Bill No. 325 ordered on file for passage.

Senate Bill No. 302, Committee Substitute for Senate Bill No. 491, Senate Bill No. 359, and Substitute for Senate Bill No. 358 ordered on file for third reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 700—An Act to appropriate \$1,125 to pay the unpaid salary of the late Dennis Spencer as attorney for the State Board of Health and the Board of Health of the City and County of San Francisco from July 15, 1895, until and including November 30, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 546—An Act appropriating money to pay the expenses of maintaining an exposition to be held in the City and County of San Francisco in 1901, to be known as the Pacific Ocean and International Exposition, and to provide commissioners therefor—have had the same under consideration, and respectfully report the same back, and recommend that the substitute be reported back without recommendation.

Also: Assembly Bill No. 509—An Act providing for the maintenance of a residence for the Governor of the State of California, and empowering the State Capitol Commissioners to provide for the heating, lighting, repairs, and renewal of the furnishings of said residence, and providing for the number and the salaries of the necessary employes and servants selected and employed by the Governor therein, and for the appropriation of necessary money for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

Also: Assembly Bill No. 127—An Act to provide for the purchase of additional lands for the Folsom State Prison, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

DICKINSON, Chairman.

Senate Bills Nos. 700 and 546 ordered on file for second reading.

Assembly Bills Nos. 509 and 127 ordered on special file of Assembly bills for second reading.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Wolfe moved a reconsideration of the vote whereby Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Gillette, Jones, Laird, La Rue, Leavitt, Maggard, Nutt, Pace, Rowell, Simpson, Smith, Stratton, Trout, and Wolfe—24.

NOES—None.

SPECIAL ORDER SET.

On motion of Senator Wolfe, the further consideration of Senate Bill No. 240 was made special order for three o'clock and thirty minutes p. m. of this day, following other special orders heretofore set for that hour.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, March 2, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancia, Devoto, Dibble, Dunlap, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Marvin, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merriitt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Wright, and Mr. Speaker—75.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Wednesday, March 1, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, March 1, 1899, resulted in no election

of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For Stephen M. White—Senators Ashe, Brauhart, Chapman, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—10.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received.....	7 votes.
D. M. Burns received.....	8 votes.
U. S. Grant, Jr., received.....	7 votes.
Irving M. Scott received.....	3 votes.
Stephen M. White received.....	10 votes.
James D. Phelan received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Rickard, and Eugene Sullivan—16.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Raw—18.

For Irving M. Scott—Messrs. Cosper and Dunlap—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Feliz, Glenn, Griffin, Hanley, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—15.

For James D. Phelan—Messrs. Burnett and Hoey—2.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	71
W. H. L. Barnes received.....	15 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	16 votes.
U. S. Grant, Jr., received.....	18 votes.
Irving M. Scott received.....	2 votes.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	15 votes.
James D. Phelan received.....	2 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	107
Necessary to a choice.....	54
W. H. L. Barnes received.....	22 votes.
M. M. Estee received.....	1 vote.

D. M. Burns received	24 votes.
U. S. Grant, Jr., received	25 votes.
Irving M. Scott received	5 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	25 votes.
James D. Phelan received	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-four minutes P. M., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Friday, March 3, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-three minutes P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Stratton, Taylor, and Trout—28.

Quorum present.

MOTION.

Senator Taylor moved to take up messages from the Assembly.
So ordered.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to consider the report of the conference committee on Assembly Bill No. 366—An Act limiting the hours of daily services of laborers, workmen, and mechanics, employed upon the public works of, or work done for, the State of California, or any political subdivision thereof—for the reason that the conference committee reported new amendments without authority, the bill not having been referred to a committee of free conference.

And the Assembly respectfully requests that the Senate recede from its action in adopting the report of said conference committee.

That the Assembly appointed Assemblymen Hoey, Johnson, and Works as a committee of free conference on said bill, to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

APPOINTMENT OF FREE CONFERENCE COMMITTEE.

The President of the Senate appointed Senators Taylor, Chapman, and Leavitt a committee of free conference on Assembly Bill No. 366.

RECESS.

At twelve o'clock and forty-five minutes P. M., the hour of recess having arrived, the President declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—31.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

On motion of Senator Smith, the rules were suspended by unanimous vote for the consideration of Assembly Constitutional Amendments Nos. 14 and 7.

Assembly Constitutional Amendment No. 14—Amending the Constitution by adding a new section to Article IX, relative to exempting certain property from taxation.

Assembly Constitutional Amendment No. 14 read.

On motion of Senator Bulla, further consideration of Assembly Constitutional Amendment No. 14 was temporarily postponed.

Assembly Constitutional Amendment No. 7—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section to Article IX thereof, to be numbered with the next consecutive number of sections to said article, relating to exempting certain school properties from taxation.

On motion of Senator Sims, consideration of Assembly Constitutional Amendment No. 7 was postponed until next legislative day.

Senator Davis moved that Assembly Bill No. 62 be taken up for the purpose of considering pending amendments.

So ordered.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 3, printed bill, strike out the word "twenty," and insert in lieu thereof the word "thirty."

Amendment adopted.

AMENDMENT No. 2.

After the word "hundred," line 14, Section 1, printed bill, insert the following: "And for preparing and printing literature descriptive of the State of California, its resources, industries, and capabilities, for distribution at said exposition."

Amendment adopted.

AMENDMENT No. 3.

After the word "California" in line 8, Section 3, printed bill, insert the following: "to prepare, print, and distribute literature as provided in section one of this Act."

Amendment adopted.

AMENDMENT No. 4.

Strike out all of line 10, Section 3, after the word "attendants," and all of lines 11 and 12, and insert in lieu thereof the following: "the sum of twenty-five thousand dollars of the amount by this Act appropriated shall be available immediately after the passage of this Act, and the remaining one hundred and five thousand dollars thereof shall not be paid and shall not become available until."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Committee Substitute for Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, and 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations.

The bill having been partially read second time on a previous day.

The following amendments were offered:

By Senator Wolfe:

Amend by striking out of Section 4, beginning with the word "so," in line 7, down to and including the word "directors," in line 13, and inserting the following: "may withdraw his or her stock under rules prescribed by the by-laws."

Amendment lost.

By Senator Rowell:

Amend by striking out, commencing with the word "for," in line 32, page 6, and all thereafter down to and including the word "credits," in line 34, said page 6.

Amendment adopted.

Also: Amend Section 6 by adding after the word "year," in line 24, page 8, the following: "*and provided*, that such premium shall in no instance exceed twenty-five per cent of the amount of stock or shares, or monthly payments on loan held or made by or to any one member."

Amendment adopted.

By Senator Wolfe:

Amend by striking out of Section 10, beginning with the word "every," in line 3, down to and including the word "position," in line 14.

Amendment lost.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 22—An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon.

The bill having been read second time on a previous day, but still open for amendment.

Senator Wolfe offered the following substitute therefor, and moved its adoption:

SUBSTITUTE FOR ASSEMBLY BILL No. 22.

An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to sell or traffic in or refill any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, next after section three hundred and fifty-four, and included in chapter twelve, title nine, part one, and designated as section three hundred and fifty-four and one half, to read as follows:

Section 2541. Every person who willfully traffics in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another printed, branded, stamped, engraved, etched, blown or otherwise attached or produced thereon, or refills any such cask, keg, bottle, vessel, siphon, can, case, or other package with intent to defraud the owner thereof without the consent of the owner thereof, or unless the same shall have been purchased from the owner thereof, is guilty of a misdemeanor.

Substitute read and adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 182.—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners, approved March 4, 1881 (Stats. 1881, p. 26), relating to assessing and collecting said taxes.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 182 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Davis, Doty, Dwyer, Hoey, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received and read:

STATE CAPITOL, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: Your committee of free conference, to whom was referred Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—have had the same under consideration, and beg leave to report the same back to your honorable body, and recommend that said bill be returned to the Senate and do pass as amended, as follows:

Amend title by striking out the word "and" in line 3.

Also: Amend title by inserting after the word "thoroughfare," in lines 3 and 4, the words "and belt-line railroad."

Also: Amend Section 1 by striking out in line 15, page 2, after the word "thoroughfare," the words "simultaneous with the construction and extension thereof," and inserting in lieu thereof the words "as rapidly as practicable during the construction and extension thereof."

Also: Amend Section 4 by striking out in lines 51 and 52, page 4, after the word "thoroughfare," the words "simultaneous with the construction and extension thereof," and inserting in lieu thereof the words "as rapidly as practicable during the construction and extension thereof, but before the completion of such thoroughfare."

Also: Amend Section 5, by inserting in line 4, page 4, after the word "seawall" the words "thoroughfare and belt-line railroad."

Also: Amend section 12 by inserting after the word "seawall," in line 1, page 8, the words "thoroughfare and belt-line railroad."

Also: Amend Section 13 by inserting in line 2, page 9, after the word "thoroughfare," the words "and belt-line railroad," and strike out the word "and" in line 2, following the word "seawall."

BRAUNHART,
DICKINSON,
STRATTON,
Senate Committee.
H. W. MILLER,
KNOWLAND,
CAMINETTI,
Assembly Committee.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Taylor—26.
NOES—None.

Senate Bill No. 54 ordered to print, reëngrossment, and enrollment.

MOTION.

Senator Hall moved that Senate Bill No. 301—An Act entitled "An Act to amend Section 3 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885"—be placed on Senate special file.

So ordered.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 5—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 5 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Davis, Doty, Dwyer, Hall, Hoey, Jones, Langford, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Wolfe—25.
NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 351—An Act to amend Sections 8 and 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 351 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Chapman, Davis, Dickinson, Doty, Dwyer, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Wolfe—27.
NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 375—An Act to amend Section 1281 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 375 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 348—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law," approved March 2, 1897.

Read third time.

During the discussion of the merits of bill, Senator Stratton moved that the time for the consideration of the special file of Assembly bills be extended until the consideration of Assembly Bill No. 348 shall have been finished.

So ordered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 348 refused final passage by the following vote:

AYES—Senators Bulla, Burnett, Curtin, and Stratton—4.

NOES—Senators Ashe, Bettman, Boyce, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Trout, and Wolfe—30.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed :

Committee Substitute for Senate Bills Nos. 142, 159, 204, and 453—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location.

Also: Senate Bill No. 353—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 435—An Act to amend section 1586 of the Code of Civil Procedure of the State of California, relating to the administration and disposition of the assets of a deceased co-partner.

Also: Senate Bill No. 554—An Act to provide for the appointment of a Board of Colton Hall Property, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Also: Substitute for Senate Bill No. 27—An Act amending the Civil Code of the State of California by adding thereto a new section, to be numbered 494, authorizing the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Also: Examined Senate Joint Resolution No. 20—Relating to construction of Pacific cable, and requesting that Congress require the same to be of American make—and report that the same has been correctly enrolled, and presented the same to the Governor on this second day of March, 1899, at two o'clock and forty minutes P. M.

JONES, Chairman.

Committee Substitute for Senate Bills Nos. 142, 159, 204, and 453 and Senate Bills Nos. 353, 438, 554 and Substitute for Senate Bill No. 27 ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Morehouse, the consideration of Senate Bill No. 308—An Act to establish a uniform system of county and township governments—was made a special order for Friday, March 3, 1899, at three o'clock and thirty minutes P. M.

MOTION TO RECONSIDER.

Senator Bulla moved to reconsider the vote whereby the report of the committee of free conference on Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court—was refused adoption.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Simpson, Smith, Stratton, Trout, and Wolfe—27.
NOES—Senators Laird and Sims—2.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

The President appointed Senators Bulla, Cutter, and Curtin a committee of free conference on Senate Bill No. 56.

SPECIAL ORDER.

The special order for this hour, being the consideration of Senate Bill No. 240, which had been refused passage on a previous day and reconsidered immediately after the reading of the Journal on this day, was taken up.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Senator Laird moved that Senator Shortridge be appointed a special committee of one to amend the bill as follows:

Amend Section 4, page 2, in line 1, after the word "pharmacist," by inserting the words "not heretofore registered."

Also: Amend Section 5, page 3, in line 1, by inserting after the word "pharmacist" the words "not heretofore registered."

Also: Amend by striking out all the words in lines 9, 10, 11, and 12, Section 3, after the word "pharmacist," in line 9, and inserting the following: "or registered assistant pharmacists who have had twelve years' actual experience in preparing, compounding, and dispensing of medicines, drugs, and poisons."

Also: Amend Section 1 by striking out of lines 13, 14, 15, and 16 the words "and such registered pharmacists shall have charge of not more than one such store, pharmacy, dispensary, laboratory, or office at one and the same time."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy

and sale of poisons in the State of California," approved March 11, 1891—with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print and reëngrossment.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Dickinson moved a reconsideration of the vote whereby Assembly Bill No. 651—An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State of California for the benefit of the United States in aiding the State volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Smith, and Trout—25.

NOES—Senators Brauhart, Curtin, La Rue, Sims, and Stratton—5.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 651 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Jones, Laird, Langford, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Smith, and Trout—26.

NOES—Senators Brauhart, Curtin, Dwyer, La Rue, Rowell, Sims, Stratton, and Wolfe—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Simpson moved that Senate Bill No. 27 be taken up for consideration.

So ordered.

Senate Bill No. 27—An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, authorizing the purchase or lease by railroad corporations created under the laws of this State, or of any other State or Territory, or of the United States, which are now or hereafter may be doing business as common carriers in this State, of any or all of the property and franchises owned, situated, held, or used wholly or partially in this State by any railroad company created under the laws of this State or of any other State or Territory, or of the United States, which is now or hereafter may be doing business as a common carrier in this State, and authorizing the sale or lease by any such corporation, as above mentioned, of any such property or franchises, or both, which it may own, use, or hold, wholly or partially, in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 27 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Chapman, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—29.

NOES—Senator Burnett—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Wolfe moved a reconsideration of the vote whereby Assembly Joint Resolution No. 12—Relative to exposition at San Francisco, in 1901, of products and industries of Pacific Ocean countries—was refused adoption.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Jones, Langford, Leavitt, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Stratton, Trout, and Wolfe—26.

NOES—Senators La Rue, Sims, and Smith—3.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 12 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Langford, Leavitt, Maggard, Morehouse, Nutt, Shortridge, Stratton, and Wolfe—24.

NOES—Senators Curtin, Dickinson, La Rue, Luchsinger, Prisk, Rowell, Sims, Smith, and Trout—9.

Assembly Joint Resolution No. 12 ordered transmitted to the Assembly.

MOTION.

Senator Shortridge moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, notwithstanding the objections of the Governor thereto, passed by a vote of 55 ayes Assembly Bill No. 229—An Act to select and adopt the golden poppy as the State flower of California.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Boyce and Cutter—2.

NOES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day received the report of the committee of free conference on Senate Bill No. 56—

An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court—and adopted a resolution recommitting said bill to said free conference committee for further action.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 583—An Act to amend Section 2651 of the Political Code, relating to the General Road Fund and highway taxes.

Also: Senate Bill No. 165 (Substitute for Assembly Bill No. 26)—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 229—An Act to provide for the disposal of money raised by cities or towns for public improvement after the same has been completed and paid for.

Also: Senate Bill No. 354—An Act to amend Section 1 of "An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied," approved February 25, 1897, and to add two new sections thereto.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to pass Senate Bill No. 216—An Act to provide for the organization of persons owning water which is received and distributed to their lands from a common source and by the same system of works, and also for the further acquisition and development of water.

Also: Passed Senate Bill No. 444—An Act in relation to municipal elections, where the same are held separate from general State elections and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote on proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897.

Also: Senate Bill No. 362 (Substituted for Assembly Bill No. 412)—An Act to establish a camp of instruction for the National Guard of the State of California, and to authorize the acquisition by donation of a site for the same.

Also: Adopted Assembly Joint Resolution No. 23—Relative to preparing a memorial to the Legislatures of the several States requesting a petition to Congress for amendments to the National Constitution providing for the election of United States Senators by direct vote of the people.

Also: Assembly Joint Resolution No. 24—Relative to preparing an application to the Congress of the United States to call a convention for submitting amendments to the National Constitution concerning the election of Senators of the United States by direct vote of the people.

Also: Concurred in Senate amendments to Assembly Bill No. 177—An Act authorizing District Attorneys to bring suits to abate public nuisances.

Also: Respectfully refused to adopt Senate Concurrent Resolution No. 9—Relative to the suspension of Joint Rule XXXVI.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 682—An Act to amend Section 2655 of the Political Code, relating to highway taxes.

Also: Assembly Bill No. 260—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day rescinded its action in appointing a conference committee upon Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court—and respectfully refused to recede from its amendments thereto; and

appointed Assemblymen Caminetti, Cobb, and A. M. McDonald as a committee of free conference upon said bill to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments, Nos. 9, 10, and 11, to Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—and appointed Assemblymen H. W. Miller, Knowland, and Caminetti as a committee of conference to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed Assemblymen Caminetti, H. W. Miller, and Knowland as a committee of free conference on Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—to meet a like committee from the Senate upon said bill.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bills Nos. 583 and 682 read first time, and ordered on special file of Assembly bills without reference to committee.

Senate Bills Nos. 165, 229, 354, 414, 444, and 362 ordered to enrollment.

Assembly Joint Resolution No. 23 referred to Committee on Federal Relations and Immigration.

Assembly Joint Resolution No. 24 referred to Committee on Federal Relations and Immigration.

Assembly Bill No. 260 read first time, and referred to Committee on Finance and Claims.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following concurrent resolution was introduced by Senator Burnett:

SENATE CONCURRENT RESOLUTION No. 10.

WHEREAS, Dr. George I. Drucker, a member of the State Board of Dental Examiners, finds it necessary to restore his health, and on account of business to leave the State; therefore, be it

Resolved by the Senate, the Assembly concurring. That permission is hereby granted to said Dr. George I. Drucker to leave the State of California for a period not exceeding six months from the first day of March, 1899.

The roll was called, and Senate Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Dwyer, Flint, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Rowell, Simpson, Stratton, Trout, and Wolfe—22.

NOES—None.

Concurrent resolution ordered printed, and to Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 552—An Act placing all companies selling certificates, bonds, or debentures with coupons attached thereto, on the partial payment or installment plan, doing business in this State, under the supervision and control of the State Board of Bank Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Assembly Bill No. 552 ordered on special file of Assembly bills for second reading.

WITHDRAWAL OF BILLS.

Senator Cutter asked for and was granted unanimous consent to withdraw Senate Bill No. 162—An Act to amend Article IV, Section 2651 of the Political Code, relating to General Road Fund and highway taxes.

Also: To withdraw Senate Bill No. 163—An Act to amend Section 2655 of the Political Code, relating to highway taxes to be expended in districts.

Senate Bills Nos. 162 and 163 withdrawn and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

Senator Laird offered the following resolution, and moved its adoption:

Resolved, That a committee of three each from Committees on Finance and Claims, Hospitals, Health, and Quarantine, and Public Buildings other than Prison Buildings, are hereby granted leave of absence from Saturday, March 4th, at 2 P. M., until Monday, March 6th, at 11:45 A. M., and that they be allowed their actual traveling expenses, to inspect the Agnews Insane Asylum.

Resolution read.

The question being on the adoption of the resolution.

The same was put, and lost.

RECESS.

At five o'clock and twenty-two minutes P. M., on motion of Senator Dickinson, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Stratton, Taylor, Trout, and Wolfe—27.

Quorum present.

Senator Leavitt moved that the rules be suspended, and that the Senate special urgency file be taken up for consideration.

The roll was called, and the rules suspended for the purpose of taking up the urgency file, by the following vote:

AYES—Senators Ashe, Brauhart, Burnett, Cutter, Dickinson, Doty, Feeney, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Page, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—Senators Boyce, Bulla, Chapman, Davis, and Dwyer—5.

MOTION TO RECONSIDER POSTPONED.

Senator Dickinson moved that further consideration of his motion to reconsider the vote whereby Assembly Bill No. 44—An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State—was on a previous day refused final passage, be postponed until next legislative day.

Motion carried.

CONSIDERATION OF URGENCY FILE—SPECIAL ORDER SET.

Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

On motion of Senator Braunhart, the further consideration of Senate Bill No. 419 was set as a special order for Friday, March 3, 1899, to follow other special orders set for consideration immediately after the reading of Journal on above date.

Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

During the second reading of bill, the following amendment was offered by Senator Stratton:

Amend by striking out all of Section 1 and inserting the following:

"SECTION 1. From and after the first day of July, 1899, section four of the seawall at the foot of Front Street, in the City and County of San Francisco, shall be a part of the free public market established by the Act approved March 29, 1897, and the said section four shall be occupied for the purposes of the said free public market in preference to all other uses; *provided*, that nothing in this Act shall be construed to prevent the construction or maintenance over such car-tracks and sheds as the Board of State Harbor Commissioners may construct, or permit or order to be constructed on said section four, of structures for storage or other purposes, at the discretion of the Board of State Harbor Commissioners; or to prevent the use of car-tracks and sheds upon such premises for the movement of non-perishable products, at seasons when not required for the purpose of the free public market, or to prevent the collection, from transportation companies delivering freight upon said premises, of such rentals as the Board of State Harbor Commissioners may prescribe."

Amendment adopted.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Cutter, Davis, and Bulla.

The roll was called and the amendment adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Dickinson, Dwyer, Feeney, Flint, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Rowell, Shortridge, Smith, Stratton, Taylor, and Wolfe—21.

NOES—Senators Bulla, Cutter, Davis, Doty, Gillette, Laird, Langford, Maggard, Pace, Prisk, and Trout—11.

Bill read second time, ordered to print and engrossment.

RESOLUTION—(OUT OF ORDER).

By Senator Davis:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be suspended, and that Senator Davis be permitted to introduce a joint resolution (in accordance with Rule VIII of the Senate which provides that joint resolutions be treated as bills), to be numbered 21.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted, and the provisions of the Constitution suspended for the purpose above set forth, by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—36.

NOES—None.

INTRODUCTION OF JOINT RESOLUTION.

Section 2 of Article IV of the Constitution having been suspended for the purpose, the following joint resolution was introduced by Senator Davis:

SENATE JOINT RESOLUTION No. 21.

Resolved by the Senate and Assembly of the State of California, jointly. That we earnestly urge immediate consideration of the Mineral Land Bill now pending in Congress, and respectfully request Hon. T. B. Reed, Speaker of the House of Representatives, to recognize some member of the California delegation to call the same up for consideration before the close of the present session;

Resolved. That the Secretary of the Senate be instructed to transmit by telegraph a copy of the foregoing resolution to the Speaker of the House of Representatives at Washington, D. C.

Joint resolution read.

The roll was called, and Senate Joint Resolution No. 21 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Stratton, Trout, and Wolfe—33.

NOES—None.

On motion of Senator Dickinson, Senate Joint Resolution No. 21 was ordered immediately transmitted to the Assembly.

REPORT OF FREE CONFERENCE COMMITTEE.

The following report from the committee of free conference on Senate Bill No. 56 was received and read:

SENATE CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: Your committee of free conference, concerning Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court—report that we have met a like committee of the Assembly, consisting of Assemblymen Cobb, Caminetti, and A. M. McDonald, and we report that the free conference committee agreed upon and recommend that the Assembly recede from its amendments to said bill, and recommend that said bill be passed without amendment.

CURTIN,
CUTTER,
BULLA,

Committee of Free Conference of the Senate.

Report adopted.

The question being on the adoption of the above report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—30.

NOES—None.

The committee of free conference on Senate Bill No. 56 was discharged.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Davis, his motion to reconsider the vote whereby Senate Bill No. 63—An Act to amend Section 1227 of the Civil Code of the State of California—was on a previous day passed, was postponed.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Nutt moved a reconsideration of the vote whereby Senate Bill No. 170—An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Curtin, Cutter, Dwyer, Flint, Gillette, Jones, La Rue, Luchsinger, Maggard, Nutt, Prisk, Simpson, Smith, Stratton, Trout, and Wolfe—19.

NOES—Senators Ashe, Braunhart, Burnett, Davis, Dickinson, Doty, Feeney, Hall, Hoey, Laird, Leavitt, Morehouse, Rowell, and Shortridge—14.

On motion of Senator Nutt, further consideration of Senate Bill No. 170 was postponed until Monday, March 6, 1899.

Senator Shortridge, in compliance with his notice given on a previous day, moved a reconsideration of the vote whereby Senate Bill No. 327—An Act providing for liens upon horses and other animals for the cost of shoeing the same—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Curtin, Dickinson, Doty, Dwyer, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Smith, Trout, and Wolfe—25.

NOES—Senators Braunhart, Davis, Flint, Jones, Rowell, and Stratton—6.

On motion of Senator Shortridge, the further consideration of Senate Bill No. 327 was postponed until Friday, March 3, 1899.

ADJOURNMENT.

At ten o'clock and twenty-five minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until ten o'clock A. M. of Friday, March 3, 1899.

IN SENATE.

SENATE CHAMBER,
Friday, March 3, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue,

Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, March 2, 1899, was read.

The Journal of Tuesday, February 28, 1899, was approved.

MOTION.

Senator Curtin moved that Senate Joint Resolution No. 18 be taken up and considered.

So ordered.

CONSIDERATION OF JOINT RESOLUTION.

SENATE JOINT RESOLUTION No. 18.

Relative to Yosemite National Park.

WHEREAS, By an Act of Congress approved October first, eighteen hundred and ninety, the tract of land in the State of California, described as townships one (1) and two (2) north, and townships one (1), two (2), three (3), and four (4) south, all of ranges nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) east; also, townships one (1), two (2), three (3), and four (4) south of range twenty-five (25) east, and also townships three (3) and four (4) south of range twenty-six (26) east, excepting therefrom that tract of land known as Yosemite Valley, granted to the State of California for a public park by an Act of Congress approved June thirtieth, eighteen hundred and sixty-four, as the same has been surveyed out and accepted by said State, have been set apart for a public park, and the same is known as the "Yosemite National Park"; and

WHEREAS, The said park by the said Act is placed under the exclusive control of the Secretary of the Interior, with power given to the said Secretary of the Interior to make such rules and regulations as he may think necessary or proper for the management of said tract of land; and

WHEREAS, The purpose for the creation by Congress through said Act of said Yosemite National Park was to preserve the timber within the boundaries thereof and to hold the lands therein as a public park; and

WHEREAS, It appears from the records of the General Land Office that there is within said park three hundred and fifty-one (351) valid claims of title, which claims cover an aggregate of 53,931.15 acres, and unpatented claims covering 327.97½ acres of land making a total of 59,259.12 acres of land within said park owned by private individuals; and

WHEREAS, For many years prior to the enactment of said Act of Congress the individuals owning the lands situate within said park and for which title has been obtained were accustomed to use the same for the purpose of raising and grazing stock thereon, the raising of said stock forming one of the principal industries of Tuolumne, Mariposa, and Merced counties; and

WHEREAS, By the rules and regulations governing said park as formulated by said Secretary of the Interior that "no person other than transient visitors will be permitted to be within the park without the written authority from the Secretary of the Interior," thereby preventing the owners of said valid claims within said park from using their said lands and following their legitimate business, thus depriving several counties of a source of revenue; and

WHEREAS, The grazing of stock within said park will materially keep down the undergrowth therein and thereby have a tendency to prevent the spreading of forest fires and will more fully preserve the timber therein as intended by the provisions of said Act; and

WHEREAS, There is within said park a larger area of land than is necessary for a public park, and that in a large portion thereof there is no timber of any consequence; and, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That our Representatives in Congress are requested, and our Senators are instructed, to use every effort that is honorable to have the area of said park reduced and to cause the formulation of rules governing said park which will permit the owners of lands therein to graze their stock upon said lands and within said parks as they have heretofore done; and be it further

Resolved, That the Governor of this State is hereby directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 18 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—30.

NOES—Senator Laird—1.

Resolution ordered immediately transmitted to the Assembly.

MOTIONS.

Senator Smith moved that Assembly Bill No. 607 be taken up and considered.

So ordered.

Assembly Bill No. 607—An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 607 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Dickinson moved that Assembly Bill No. 914 be taken up and considered.

So ordered.

Assembly Bill No. 914—An Act to add a new section to the Political Code, to be known and numbered as Section 540, creating the State Printing Fund, authorizing its use, and prescribing the duties of the Superintendent of State Printing, Controller, and Treasurer in connection therewith, all relating to State printing.

Read third time.

The question being on the passage of the bill.

The roll was call, and Assembly Bill No. 914 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Simpson, Smith, Stratton, Taylor, and Trout—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

The special order heretofore set for this hour—the consideration of constitutional amendments—was proceeded with.

MOTION.

Senator Dickinson moved that only Senate constitutional amendments be considered at this time, and that Assembly constitutional amendments be considered at the time provided for by the rules for the consideration of the special file of Assembly bills.

So ordered.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENTS.

SENATE CONSTITUTIONAL AMENDMENT No. 9.

Proposed amendment to Article VI of the Constitution, relative to the compensation of Supreme and Superior Court Judges.

The Legislature of the State of California, at its thirty-third session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State the following amendment to the Constitution:

That Section 17 of Article VI be amended so as to read:

Section 17. The Justices of the Supreme Court and Judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected, which compensation shall be paid by the State. Until otherwise changed by the Legislature, the annual salaries of the Judges of the Supreme Court shall be six thousand dollars each, and the Superior Court Judges shall receive the salaries now allowed by law, payable monthly. Each Judge of the Superior Court may appoint a competent stenographer for his court, who shall hold office during good behavior. Such stenographer shall receive a salary for reporting, payable by the State, and fees for transcription when required, payable in criminal cases by the county, and in civil cases by the party ordering the same. Such salary, which may vary in different counties in proportion to duties, and such fees, shall be fixed by law.

The question being on the adoption of the amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Cutter moved a call of the Senate.

The roll call was ordered.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bettman, Boyce, Brauhart, Bulla, Chapman, Cutter, Doty, Dwyer, Gillette, Hall, Hoey, Jones, Langford, La Rue, Luchsinger, Maggard, Nutt, Prisk, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—Senators Ashe and Rowell—2.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—33.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

Senator Cutter moved that further proceedings under call of the Senate be dispensed with.

So ordered.

The President directed the Sergeant-at-Arms to open the doors.

The doors were opened.

The absentees were called, and the President announced that Senate Constitutional Amendment No. 9 was adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—28.

NOES—Senators La Rue, Rowell, and Taylor—3.

Constitutional amendment ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

During the reading of constitutional amendment, the following substitute was offered by the committee:

COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 15.

A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the second day of January, eighteen hundred and ninety-nine, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that Section 18 of Article XI of the Constitution of the State of California be amended by adding the following:

Section 18. No county, city, town, township, board of education, or school districts, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for each year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, not unless before, or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest of such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however,* that the City and County of San Francisco may at any time pay the unpaid claims with interest thereon at the rate of five per cent per annum for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, and forty-fourth fiscal years, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of three hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided farther,* that the City of Vallejo, of Solano County, may pay its existing indebtedness incurred in the construction of its water works, whenever two thirds of the electors thereof, voting at an election held for that purpose, shall so decide. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void.

Substitute read.

The following amendments to the substitute were offered:

By Senator Luchsinger:

Amend by inserting in Section 18, line 25, the words: "And that no statute of limitations shall apply in any manner," after the word "decide"; also, change the punctuation after the word "decide," from period to comma.

Amendment adopted.

Also: Amend by striking out of preamble the words in last line, "by adding the following," and inserting the following: "to read as follows."

Amendment adopted.

By Senator Dickinson:

Amend by striking out the letter "s" at end of word "districts," in line 2 of printed bill.

Amendment adopted.

Also: Strike out "each," in line 4, and insert "such."

Amendment adopted.

Also: Strike out "not," in line 6, and insert "nor."

Amendment adopted.

Also: Strike out "of" in line 9, and insert "on."

Amendment adopted.

Substitute, as amended, adopted.

Senate Constitutional Amendment No. 15, as amended, ordered to print and engrossment.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution.

During the reading of the constitutional amendment, the following amendments were submitted by the committee:

Amend by inserting the words "provided there is no such daily newspaper, then in a weekly newspaper," after the word "newspaper," in line 19, Section 8, page 2, printed bill.

Amendment adopted.

Also: Amend by inserting the words "or, in case two daily newspapers are not published in said city, said publication may be made in a daily or weekly newspaper," after the word "county," in line 49, page 3, printed bill.

Amendment adopted.

Senate Constitutional Amendment No. 6, as amended, ordered to print and engrossment.

SENATE CONSTITUTIONAL AMENDMENT No. 14.

To propose to the people of the State of California an amendment to the Constitution of the State, amending article thirteen by adding a new section thereto, to be known as section one and three fourths, relating to the exemption from taxation of all bonds issued by the State of California, or by any county, city, and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation, and irrigation districts) within said State.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its regular session, commencing on the second day of January, eighteen hundred and ninety-nine, two thirds of all members elected to each house concurring, hereby proposes that article thirteen of the Constitution of said State be amended by adding thereto a new section, to be known as section number one and three fourths, which shall read as follows, to wit:

Section 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said State, shall be free and exempt from taxation.

Constitutional amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 14 adopted by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Langford, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—Senators La Rue and Rowell—2.

Senate Constitutional Amendment No. 14 ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 4.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be known and designated as Section 2½, Article II thereof, concerning primary elections.

The Legislature of the State of California, at its thirty-third session, commencing on the second day of January, Anno Domini one thousand eight hundred and ninety-nine, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that a new section be added to the Constitution of the State of California, to be known and designated as section two and one half, article two thereof, as follows:

Section 2½. The Legislature shall have the power to enact laws relative to the election

of delegates to conventions of political parties at elections known and designated as primary elections. Also to determine the tests and conditions upon which electors, political parties, or organizations of voters may participate in any such primary election, which tests or conditions may be different from the tests and conditions required and permitted at other elections authorized by law; or the Legislature may delegate the power to determine such tests or conditions, at primary elections, to the various political parties participating therein. It shall also be lawful for the Legislature to prescribe that any such primary election law shall be obligatory and mandatory in any city, or in any city and county, of a uniform population, and that such law shall be optional or otherwise in any other city, or city and county, of a lesser population.

Constitutional amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 4 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Laird, Langford, La Rue, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—Senator Jones—1.

Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to be known and designated as Section 7½, Article XI thereof, providing for the framing, by the inhabitants of counties, of local County Government Acts for their own government.

During the reading of the constitutional amendment, the following substitute was offered by the committee:

SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 5.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be known and designated as Section 7½, Article XI, thereof providing for the determination by the inhabitants of counties of the number of county and township officials, their deputies, and the compensation of each.

The Legislature of the State of California, at its thirty-third session, commencing on the second day of January, Anno Domini one thousand eight hundred and ninety-nine, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that a new section be added to the Constitution of the State of California, to be known and designated as section seven and one half, article eleven thereof, as follows:

Section 7½. The inhabitants of any county may determine the number of county and township officials, the number of deputies and the compensation of each for any such respective county, by causing a board of at least fifteen freeholders, who have been, for at least five years, qualified electors of such county, to be elected by the qualified electors of such county, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose an Act for such county, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof, to the Board of Supervisors, or other legislative body of such county, and the other copy to be sent to the Recorder of Deeds of the county. The Board of Supervisors of any county shall call for the election of any such board of freeholders whenever any petition shall have been filed representing at least ten per cent of the qualified electors of such county and asking for the election of such board. The Supervisors shall likewise determine the number of freeholders to be elected for the framing of the proposed county Act, which shall not be less than fifteen nor more than fifty freeholders. If such election be held and such freeholders elected, then such proposed county Act shall then be published in two papers of general circulation in each county, or if there be not two such papers, then in one only, for at least twenty days; and within not less than thirty days after such publication it shall be submitted to the qualified electors of such county, at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its rejection or approval, as a whole, without power of alteration or amendment, and if approved by a majority of the members elected to each house it shall be the county Act of such county as to the number of county and township officers, their deputies and the compensation of each, and shall in such case become the law and supersede any existing Act as to such matters and all amendments thereof, and all special laws inconsistent with such Act. A copy of such Act, certified by the president of the Board of Supervisors or other legislative body of such county, and authenticated by the seal of such county, setting

forth the submission of such county Act to the electors, and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of Deeds in the county, among the archives of the county. All courts shall take judicial notice thereof. The county Act so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the county, to the qualified electors thereof, at a general or special election held at least forty days after the publication of such proposals for twenty days in a newspaper of general circulation in such county, and ratified by at least three fifths of the qualified electors voting thereon, and approved by the Legislature as herein provided for the approval of the county Act. In submitting any such county Act, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. It shall be competent in all county Acts framed under the authority given by this section only to provide for the terms for which the several township and county officers, other than Judges of the Superior Court, shall be elected or appointed; for their compensation; for the number of such officers: for the consolidation or segregation of offices; and for the number of deputies that each officer shall have, together with their compensation. Whenever any county has, in the manner and method herein pointed out, adopted any county Act, and the same shall have been approved by the Legislature as aforesaid, the directions of sections four and five of this article, providing for the uniformity of a system of county governments throughout the State, and likewise providing for the election and appointment of officers, and the regulation of their compensation, shall not as to such matters apply. Said county Act shall, as to any of the matters hereinabove provided for and declared by such county Act, not be subject to any law or amendment enacted by the Legislature, except by amendment first submitted to the electors and ratified in the manner hereinabove set forth.

RECESS.

During the discussion of the substitute, at eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 3, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—35.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milce, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Wright, and Mr. Speaker—77.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Thursday, March 2, 1899. The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, March 2, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senators Feeney and Langford—2.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, and Prisk—8.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received.....	7 votes.
D. M. Burns received.....	8 votes.
U. S. Grant, Jr., received.....	7 votes.
Irving M. Scott received.....	3 votes.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	8 votes.
James D. Phelan received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—16.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Raw—18.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Barea—3.

For Marion De Vries—Messrs. Brooke and Fairweather—2.

For Stephen M. White—Messrs. Boone, Caminetti, Feliz, Glenn, Griffin, Hanley, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—15.

For John Rosenfeld—Mr. Crowley—1.

For James D. Phelan—Messrs. Burnett and Hoey—2.

Whole number of votes cast by Assemblymen.....	73
W. H. L. Barnes received.....	15 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	16 votes.
U. S. Grant, Jr., received.....	18 votes.
Irving M. Scott received.....	3 votes.
Marion De Vries received.....	2 votes.
Stephen M. White received.....	15 votes.
James D. Phelan received.....	2 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	109
Necessary to a choice.....	55
W. H. L. Barnes received.....	22 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	24 votes.
U. S. Grant, Jr., received.....	25 votes.
Irving M. Scott received.....	6 votes.
Marion De Vries received.....	2 votes.
John Rosenfeld received.....	3 votes.
Stephen M. White received.....	23 votes.
James D. Phelan received.....	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Saturday, March 4, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-nine minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunnhart, Bulla, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Stratton, and Wolfe—27.

Quorum present.

RECESS.

At twelve o'clock and thirty-five minutes P. M., the hour of recess having arrived, the President declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—29.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The rules being suspended, Senator Cutter offered the following resolution, and moved its adoption:

Resolved, That as Congress adjourns to-morrow at twelve o'clock M., it is hereby ordered that the Secretary of the Senate transmit this day, by wire, the substance of Senate Joint Resolution No. 18.

Resolution read and adopted.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

In accordance with the motion of Senator Dickinson, made this day, the consideration of Assembly constitutional amendments was proceeded with.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENTS.

Assembly Constitutional Amendment No. 14—Amending the Constitution by adding a new section to Article IX, relative to exempting certain property from taxation.

Constitutional amendment read.

The question being on the adoption of the amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hall moved a call of the Senate.

Motion carried.

Time, two o'clock and twenty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Stratton, Taylor, and Trout—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and twenty-six minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Smith, who was excused for absence from the Senate Chamber, on motion of Senator Dickinson.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty-seven minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Stratton.

Senator Smith having voted, the President thereupon declared Assembly Constitutional Amendment No. 14 refused adoption by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Hall, Leavitt, Morehouse, Shortridge, Simpson, Taylor, and Trout—18.

NOES—Senators Dickinson, Flint, Gillette, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Smith, and Stratton—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Stratton gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 14 was this day refused adoption.

Assembly Constitutional Amendment No. 7—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to Article IX thereof, to be numbered with the next consecutive number of sections to said article, relating to exempting certain school properties from taxation.

Constitutional amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 7 refused adoption by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Cutter, Davis, Dickinson, Dwyer, Feeney, Hall, Hoey, Leavitt, Maggard, Pace, Shortridge, Simpson, Stratton, and Taylor—17.

NOES—Senators Ashe, Braunhart, Gillette, Laird, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Smith, and Trout—12.

NOTICE OF MOTION TO RECONSIDER.

Senator Braunhart gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 7 was this day refused adoption.

Assembly Bill No. 438—An Act authorizing women to vote at school elections, and defining the qualifications of such voters.

Read third time.

On motion of Senator Morehouse, further consideration of Assembly Bill No. 438 was postponed until Monday, March 6, 1899.

Assembly Bill No. 373—An Act to amend Sections 3571 and 3572 of the Political Code, relating to public lands and funds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 373 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Cutter, Davis, Doty, Dwyer, Gillette, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 13—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor.

Read second time, and ordered on special file of Assembly bills for third reading.

Assembly Bill No. 617—An Act authorizing the Secretary of State to bore a well, furnish and set stand pipes, tanks, filter, and lay pipes in the Capitol grounds, and making an appropriation therefor.

Read second time, and ordered on special file of Assembly bills for third reading.

ASSEMBLY JOINT RESOLUTION No. 7.

Relative to irrigation of San Joaquin Valley.

WHEREAS, The right of conservation and appropriation of the waters of the streams of the State for purposes of irrigation, under wise and judicious restrictions, and in such manner as to give an equitable distribution thereof, must be accorded; and

WHEREAS, Every foot of the great San Joaquin Valley, comprising the counties of San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, and Kern, with an area of over seven and one half millions of acres, might be irrigated from the waters of the Stanislaus, Tuolumne, Merced, Fresno, San Joaquin, Kings, and Kern rivers; and

WHEREAS, The physical and climatic conditions of this valley render it impossible to till the land successfully and with certainty without an artificial supply of water for irrigation thereof; and

WHEREAS, Much of the valley is too arid for cultivation without irrigation, and with water will produce abundantly of all the staple fruits and cereals, and would be worth vast sums of money, but without water produces nothing with certainty, and is comparatively valueless; and, inasmuch as irrigation means population, progress, prosperity, and wealth to this valley; now, therefore, be it

Resolved by the Assembly, the Senate concurring. That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to take such action as shall result in an estimate of the cost of, by engineers of the Federal Government, and a proposal of a plan for the extent and circumstances of restraining works to confine and husband the waters of the Stanislaus, Tuolumne, Merced, Fresno, San Joaquin, Kings, and Kern rivers, where a dam or dams on each of them can be best located, the amount of water that may be utilized, and a secondary system of main irrigating canals leading therefrom, and tertiary distributing facilities, and such other necessary works as will provide for the sufficient irrigation of the whole valley of the San Joaquin, and to enable the valley to be divided into districts, and the amount of land that may be irrigated in each, and that following such report, an appropriation may be made by Congress to defray the cost of the same.

Resolved further, That the Chief Clerk transmit by mail a copy of this resolution to each Senator and Congressman from California, at Washington, D. C.

Joint resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Taylor, and Trout—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 245—An Act to amend Sections 354, 1489, and 1492 of the Political Code.

Read second time, and ordered on special file of Assembly bills for third reading.

Assembly Bill No. 4—An Act to create an Exempt Firemen's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen.

During the second reading of bill, the following amendments were offered by Senator Doty:

Amend Section 3, line 4, page 2, by inserting after the word "fireman" the following words: "by reason of the performance of the duties of a fireman in such county, city and county, city, or town."

Amendment adopted.

Also: Amend by striking out of Section 4, lines 2 and 3, page 3, the words "containing a population of twenty thousand or over (20,000)" and inserting the following words: "of the first and second class."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 322—An Act to amend Section 1142 of the Political Code, relating to elections.

During the second reading of bill, the following amendment was offered by Senator Stratton:

Amend by striking out all after the word "election," in line 12 of Section 1 of the amended bill, down to and including the word "election," in line 21 of Section 1, in said printed bill.

Amendment adopted.

Bill read second time, ordered to print and third reading.

MOTION.

The hour for the consideration of the special file of Assembly bills having expired, Senator Cutter moved to take up Assembly messages. So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 874—An Act making an appropriation to purchase a safe, or provide an inner vault in the vault of the State Treasury, to be used in counting money in the State Treasury.

Also: Assembly Bill No. 925—An Act providing what imprint shall be placed on bills, placards, posters, pamphlets, and other printed matter having reference to an election of any candidate, and providing a punishment for a violation thereof.

Also: Assembly Bill No. 934—An Act to amend Section 134 of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Assembly Bill No. 935—An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Assembly Bill No. 632 (Substitute for Assembly Bill No. 168)—An Act to amend Section 2643 of the Political Code, relating to the road tax and its apportionment among road districts.

Also: Assembly Bill No. 611—An Act to repeal an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872, and to repeal an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 9, 1887, and to repeal an Act entitled "An Act to amend Sections 1, 5, 7, 8, 10, and 11 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 19, 1889.

Also: Assembly Bill No. 582 (Substitute for Assembly Bill No. 170)—An Act to amend Section 2655 of the Political Code, relating to highway taxes to be expended in districts.

Also: Assembly Bill No. 150—An Act to amend Section 1 of an Act of the Legislature of the State of California, entitled "An Act relating to estrays, and repealing all other Acts and parts of Acts now in force, relating to estrays," approved March 27, 1897.

Also: Assembly Bill No. 325—An Act relating to the liens of miners and others upon mining claims.

Also: Adopted Assembly Joint Resolution No. 18—Relative to immigration from the Philippine Islands.

Also: Passed Assembly Bill No. 897—An Act to amend Sections 9 and 10 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State, for the construction of

waterworks, sewers, and all public improvements, or for any purpose whatever; and the repeal of the Act approved March 9, 1895, entitled 'An Act to authorize municipal corporations of the first class, containing more than 3,000 and less than 10,000 inhabitants, to obtain waterworks'; also, to repeal an Act approved March 15, 1887, entitled 'An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State,' approved March 19, 1889," and an Act amendatory thereof, approved March 19, 1891.

Also: Assembly Bill No. 726—An Act to declare the Silver Lake wagon road, commencing at Pine Grove, Amador County, and running thence across the summit of the Sierra Nevada Mountains, via Silver Lake, to Lake Tahoe, a State highway.

Also: Assembly Bill No. 589—An Act to establish and confirm the north boundary line of San Mateo County, between the counties of San Mateo and San Francisco, as the same was surveyed by Charles S. Tilton, William B. Gilbert, and D. Bromfield, between August 28, 1898, and December 28, 1898, to be the true boundary line between the counties of San Mateo and San Francisco, California.

Also: Assembly Bill No. 652—An Act to create a Board of Commissioners of Building and Loan Associations, to fix and prescribe its powers and duties, and to repeal all conflicting Acts.

Also: Assembly Bill No. 637 (Substitute for Assembly Bill No. 120)—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, entitled "An Act to create and administer Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties, in the State," as amended by an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties, in the State.'"

Also: Assembly Bill No. 593—An Act to amend Section 1395 of the Code of Civil Procedure.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 925 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 874 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 954 read first time, and referred to Committee on Elections.

Assembly Bill No. 955 read first time, and referred to Committee on Elections.

Assembly Bill No. 602 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 611 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 582 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 150 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 593 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 325 read first time, and referred to Committee on Mines and Mining.

Assembly Joint Resolution No. 18 referred to Committee on Federal Relations and Immigration.

Assembly Bill No. 897 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 726 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 589 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bill No. 652 read first time, and referred to Committee on Banks and Banking.

Assembly Bill No. 637 read first time, and referred to Committee on Education and Public Morals.

WITHDRAWAL OF BILL.

Senator Cutter asked unanimous consent to withdraw Senate Bill No. 295—An Act to amend Section 2643 of the Political Code, relating to the duties of the Boards of Supervisors respecting roads.

Consent granted.

Senate Bill No. 295 withdrawn and ordered stricken from the file.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1899

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted and concurred in the report of the committee of free conference on Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court.

Also: Adopted Senate Joint Resolution No. 21—Relative to the Mineral Land Bill.

C. W. KYLE, Chief Clerk.

By FRANK H. OWEN, Assistant.

Senate Bill No. 56 and Senate Joint Resolution No. 21 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 914—An Act to add a new section to the Political Code, to be known and numbered as Section 540, creating the State Printing Fund, authorizing its use, and prescribing the duties of the Superintendent of State Printing, Controller, and Treasurer in connection therewith, all relating to State printing.

Also: Passed Assembly Bill No. 957—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Also: Passed Assembly Bill No. 938—An Act authorizing the Governor to order the transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof to such funds.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 957 read first time, and referred to Committee on Elections.

Assembly Bill No. 938 read first time, and referred to Committee on Finance and Claims.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 651—An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State of California for the benefit of the United States in aiding the State volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful.

Also: Concurred in Senate amendments to Assembly Bill No. 182—An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners, approved March 4, 1881 (Statutes 1881, p. 26), relating to assessing and collecting said taxes.

Also: Adopted Senate Joint Resolution No. 18—Relative to the Yosemite National Park.

Also: Passed Assembly Bill No. 956—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Also: Passed Assembly Bill No. 755—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Also: Concurred in Senate amendments of February 28 to Assembly Bill No. 5—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

Also: Passed Assembly Bill No. 645—An Act to amend Section 558 of the Penal Code, relating to malicious injuries to highways and bridges.

Also: Passed Assembly Bill No. 870—An Act to amend Section 676 of the Political Code, relating to the counting of money in the State Treasury, and making the breaking or any interference with any seal affixed on any safe or inner vault in the vault of the State Treasury a felony.

Also: Passed Assembly Bill No. 594—An Act to appropriate the sum of \$25,000 to pay the claim of Claus Spreckels, for money due and owing to said Claus Spreckels from the State of California.

Also: Passed Assembly Bill No. 730—An Act to appropriate the sum of \$1,300 to pay the claim of William Henry Murray, for money due and owing to said William Henry Murray from the State of California.

Also: Adopted Senate Concurrent Resolution No. 10—Relative to leave of absence for Dr. George I. Drucker.

Also: Passed Assembly Bill No. 252—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner from June 1, 1873, to April 1, 1874, amounting to \$2,000, approved by the State Board of Examiners, and appropriating money to pay the same.

Also: Passed Assembly Bill No. 428—An Act to provide for the payment of the bounty due Joseph Schwindel under an Act entitled "An Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds," approved April 4, 1864, and making an appropriation therefor.

Also: Passed Assembly Bill No. 303—An Act making an appropriation to pay mileage to A. B. Pomeroy, Percy R. Wilson, J. Marion Brooks, and T. P. Lukens from Los Angeles to the cities named in attending the joint meetings of the Normal School Boards held at San José June 27, 1897, and at Sacramento December 14, 1898.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Joint Resolution No. 18 ordered to enrollment.

Assembly No. 956 read first time, and referred to Committee on Elections.

Assembly Bill No. 755 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 252 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 645 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 870 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 594 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 730 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 428 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 303 read first time, and referred to Committee on Finance and Claims.

Senate Concurrent Resolution No. 10 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 20—Relative to cablegram of congratulation to Admiral George Dewey.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

MOTION.

Senator Smith moved to take up Assembly Concurrent Resolution No. 20 for consideration.

So ordered.

ASSEMBLY CONCURRENT RESOLUTION No. 20.

Resolved by the Assembly, the Senate concurring, That the Clerk of the Assembly be and

he is hereby directed to send Admiral George Dewey, at Manila, the following cablegram, and to pay for the same out of the Contingent Fund of the Assembly:
"California congratulates you."

Concurrent resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunnhart, Bulla, Burnett, Curtin, Cutter, Doty, Dwyer, Heeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—28.
NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered by Senator Smith:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be suspended, and that Senator Smith be and he is hereby permitted to introduce a bill, to be numbered 722.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 2 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunnhart, Bulla, Burnett, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Taylor, Trout, and Wolfe—29.
NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been suspended, the following bill was introduced:

By Senator Smith: Senate Bill No. 722—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Treasurer, Levi Rackliffe.

Read first time, and referred to Committee on Finance and Claims.

LEAVE OF ABSENCE.

Senator Chapman was granted a leave of absence for Saturday, March 4, 1899, on his own motion.

SECOND READING OF BILLS.

Senate Bill No. 308—An Act to establish a uniform system of county and township governments.

During the second reading of bill. Committee Substitute for Senate Bill No. 308 was taken up, read, and adopted.

The following amendments were offered to the substitute as adopted:

By Senator Curtin:

Amend by adding to Section 197, after line 220, page 178, the following: "And affect incumbents; the provisions of subdivision 15, of said section, shall take effect January

first, nineteen hundred and one. The deputies provided for in this section shall be paid in the same manner and out of the same funds, and at the same time as other county officials are paid."

Amendment adopted.

Also: Amend by adding to Section 197, line 24, after the word "annum," the following: "And he shall be allowed one deputy, who shall receive one hundred dollars per month, for the months of March, April, May, and June of each year, but for no other period."

Amendment adopted.

Also: Amend by striking out of Section 197, lines 13, 14, 15, and 16, the words "and he shall be allowed one deputy at seventy-five dollars per month for the months of March, April, May, and June of each year, but for no other period," and inserting a period "." after the word "annum," in line 13.

Amendment adopted.

Also: Amend by adding to Section 197, line 23, after the word "month," the following: "for the months of April, May, June, October, and November of each year, but for no other period."

Amendment adopted.

By Senator Simpson:

Amend by striking out of subdivision 12, Section 159, line 222, the words "two thousand five hundred," and inserting the words "three thousand."

Consideration of amendment by Senator Simpson temporarily postponed.

By Senator Bulla:

Amend by striking out all of subdivision 4, Section 25, and inserting in lieu thereof the following: "To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, drainage ditches, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision, exceeds the sum of five hundred dollars, they must cause to be prepared, and must adopt, plans and specifications, strain sheets and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of said contract; *provided*, that after the submission of the bids as herein provided, the Board of Supervisors being advised by the County Surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of the said Surveyor; *provided further*, that the Surveyor in such cases shall be held personally responsible, under his official bond, to construct said bridge or structure, according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the Road Commissioners or Road Overseers, in their respective districts, shall employ all labor required, and direct the conduct of work of any kind upon any and all public roads; *provided further*, that in case of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice."

Amendment adopted.

By Senator Smith:

Amend by striking out of Section 25, lines 125 to 128, the words "for the payment of the interest and redemption of bonds issued by the county for the location, construction, and repair of roads and highways and."

The question being on the adoption of the amendment by Senator Smith.

The ayes and noes were demanded by Senators Ashe, Gillette, and Luchsinger.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Bulla, Curtin, Davis, Dwyer, Flint, Gillette, Hall, Jones, Luchsinger, Maggard, Prisk, Rowell, Smith, Taylor, Trout, and Wolfe—16.

NOES—Senators Ashe, Braunhart, Burnett, Doty, Hoey, Leavitt, Morehouse, Nutt, Pace, Shortridge, Simpson, and Stratton—12.

SPECIAL ORDER SET.

On motion of Senator Davis, the further consideration of Senate Bill No. 308, as amended, was made a special order for Monday, March 6, 1899, immediately after reading of the Journal.

LEAVE OF ABSENCE.

Senator Curtin was granted leave of absence until Monday, March 6, 1899, on his own motion.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 541—An Act providing for prosecuting attorneys for Police Courts in cities of more than 30,000 and not exceeding 200,000 inhabitants, and prescribing the duties and regulating the compensation of such prosecuting attorneys.

Also: Assembly Bill No. 104—An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns, within the State of California, and repealing conflicting Acts.

Also: Senate Bill No. 699—An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over 100,000 inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings, for municipal purposes, in addition to land acquired or buildings erected and constructed, or in process of erection and construction, under and by virtue of the provisions of Chapter CXCIV of the law of 1895, approved March 27, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by the committee.

Also: Assembly Bill No. 897—An Act to amend Sections 9 and 10 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State, for the construction of waterworks, sewers, and public improvements."

Also: Assembly Bill No. 576 (Committee Substitute for Assembly Bill No. 70)—An Act to provide for the formation, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also: Senate Bill No. 571—An Act to amend Title III, Part IV, of the Political Code, relating to municipal corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

TAYLOR, Chairman.

Senate Bills Nos. 541 and 571 ordered on file for second reading.

Assembly Bills Nos. 104, 897, and 576 ordered on special file of Assembly bills for second reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, March 2, 1899.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 691—An Act entitled "An Act to prevent the sale of raw materials, and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags and broken stones, and materials for State and county roads only, and articles consumed in the State institutions"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Assembly Bill No. 691 ordered on special file of Assembly bills for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms provide the Press Mailing Clerks with \$50 worth of postage stamps, the same payable out of the fund for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for said sum of \$50 in favor of the Sergeant-at-Arms, and the Treasurer is directed to pay the same.

Also:

"SENATE CHAMBER, SACRAMENTO, February 27, 1899.

"MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election case of Leon Denney vs. R. Porter Ashe, for the seat in the Senate from the Twenty-fourth Senatorial District of the State of California, beg leave to report that in filing said report on the twenty-fourth instant, they omitted to allow the claim of Mr. L. J. Welch for the sum of \$25, as witness fees. And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of Mr. L. J. Welch for the sum of \$25, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

"STRATTON, Chairman."

Also:

Resolved, That the sum of \$142 50 be and the same is hereby appropriated out of the Contingent Fund of the Senate, to pay the traveling expenses of certain members of the Committee on Hospitals, Health, and Quarantine, and the clerk of the committee, on visiting and examining the State Insane Asylum at Patton, San Bernardino County, California, under authority of resolution adopted by this body; and the State Controller is hereby directed to draw his warrant to the order of the Sergeant-at-Arms of the Senate for said sum of \$142 50, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Simpson, Smith, Taylor, Trout, and Wolfe—25.

NOES—None.

RECESS.

At five o'clock and ten minutes P. M., on motion of Senator Cutter, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger,

Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 599—An Act making an appropriation to pay the claim of the San Francisco Bulletin, for advertising the constitutional amendments for the year 1898

Also: Senate Bill No. 591—An Act making an appropriation to pay the claim of the Marin County Tocsin, for advertising the constitutional amendments for the year 1898.

Also: Senate Bill No. 522—An Act to provide for the payment for the advertising of the constitutional amendments, and to make an appropriation therefor.

Also: Senate Bill No. 558—An Act making an appropriation to pay the claim of the Daily Morning Union, for advertising constitutional amendments.

Also: Senate Bill No. 559—An Act making an appropriation to pay the claim of the Sierra Valley Record, for advertising constitutional amendments.

Also: Senate Bill No. 560—An Act making an appropriation to pay the claim of the National Bulletin, for advertising constitutional amendments.

Also: Senate Bill No. 562—An Act making an appropriation to pay the claim of the Daily Transcript, for advertising constitutional amendments.

Also: Senate Bill No. 565—An Act to appropriate the sum of \$575, to pay the claim of James H. Barry, for money due and owing to the said James H. Barry from the State of California.

Also: Senate Bill No. 567—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments.

Also: Senate Bill No. 570—An Act making an appropriation to pay the claim of the Press-Democrat, for publishing proposed constitutional amendments.

Also: Senate Bill No. 573—An Act making an appropriation to pay the claim of the Sun, for advertising constitutional amendments.

Also: Senate Bill No. 574—An Act making an appropriation to pay the claim of the Record, for advertising constitutional amendments.

Also: Senate Bill No. 575—An Act making an appropriation to pay the claim of the Report, for advertising the constitutional amendments.

Also: Senate Bill No. 576—An Act making an appropriation to pay the claim of A. W. Voorsanger, publisher of the Emanu-El, for advertising the constitutional amendments.

Also: Senate Bill No. 578—An Act making an appropriation to pay the claim of the Sacramento Publishing Company, publishers of the Record-Union, for advertising the constitutional amendments.

Also: Senate Bill No. 582—An Act making an appropriation to pay the claim of J. L. Phelps & Co., publishers of the Stockton Daily Independent, for advertising the constitutional amendments.

Also: Senate Bill No. 583—An Act making an appropriation to pay the claim of Colnon & Nunan, publishers of the Stockton Mail, for advertising the constitutional amendments.

Also: Senate Bill No. 584—An Act making an appropriation to pay the claim of the San Francisco Chronicle, for advertising the constitutional amendments for the year 1898.

Also: Senate Bill No. 594—An Act making an appropriation to pay the claim of William O'Brien for advertising the constitutional amendments.

Also: Senate Bill No. 595—An Act making an appropriation to pay the claim of the Sutter Publishing Company, for advertising the constitutional amendments.

Also: Senate Bill No. 600—An Act making an appropriation to pay the claim of the Mercury Publishing and Printing Company, for advertising the constitutional amendments for the year 1898.

Also: Senate Bill No. 604—An Act making an appropriation to pay the claim of the Yreka Journal, for advertising the constitutional amendments for the year 1898.

Also: Senate Bill No. 606—An Act making an appropriation to pay the claim of the Alturas Planddealer, for advertising the constitutional amendments for the year 1898.

Also: Senate Bill No. 609—An Act making an appropriation to pay the claim of the Record Publishing Company, for advertising the constitutional amendments.

Also: Senate Bill No. 616—An Act making an appropriation to pay the claim of the Contra Costa Gazette, for publishing the constitutional amendments for the year 1898.

Also: Senate Bill No. 617—An Act making an appropriation to pay the claim of the San Francisco Abend Post, for advertising the constitutional amendments.

Also: Senate Bill No. 627—An Act making an appropriation to pay the claim of the Daily and Weekly Sentinel, for advertising the constitutional amendments.

Also: Senate Bill No. 628—An Act making an appropriation to pay the claim of the Daily and Weekly News, for advertising the constitutional amendments.

Also: Senate Bill No. 629—An Act to provide for the payment of \$400 to Ed E. Leake, proprietor of the Woodland Democrat, for the advertising of the constitutional amendments voted for at the general election held in 1898, and making an appropriation therefor.

Also: Senate Bill No. 631—An Act making an appropriation to pay the claim of H. B. Martin & Son, proprietors of the San Bernardino Evening Transcript, for publishing the constitutional amendments.

Also: Senate Bill No. 633—An Act to provide for the payment for the advertising of the constitutional amendments, and making an appropriation therefor.

Also: Senate Bill No. 637—An Act providing for the allowance and payment of the claim of H. H. Granice against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 638—An Act providing for the allowance and payment of the claim of F. W. Cooke, against the State of California, and making appropriation therefor.

Also: Senate Bill No. 640—An Act providing for the allowance and payment of the claim of R. E. Baer against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 641—An Act to pay the claim of the Oakland Enquirer Publishing Company, and making an appropriation therefor.

Also: Senate Bill No. 643—An Act making an appropriation to pay the claim of the Placer Herald, published in Auburn, for advertising the constitutional amendments for the year 1898.

Also: Senate Bill No. 644—An Act making an appropriation to pay the claim of the Mountain Democrat, of Placerville, for advertising the constitutional amendments for the year 1898, authorized by the Governor of the State of California.

Also: Senate Bill No. 645—An Act making an appropriation to pay the claim of M. S. Levy, proprietor and publisher of the Jewish Times and Observer, for advertising the constitutional amendments.

Also: Senate Bill No. 650—An Act making an appropriation to pay the claim of the San Diego Vidette, for advertising the constitutional amendments.

Also: Senate Bill No. 651—An Act making an appropriation to pay the claim of J. W. Travers, assignee of the Alameda Daily Evening Encinal, for advertising the constitutional amendments for the year 1896.

Also: Senate Bill No. 653—An Act to pay the claim of the News Publishing Company, for official advertising.

Also: Senate Bill No. 654—An Act making an appropriation to pay the claim of the Downey Champion, for advertising constitutional amendments.

Also: Senate Bill No. 657—An Act to appropriate the sum of \$630 to pay the claim of Ben M. Maddox, for money due and owing to the said Ben M. Maddox from the State of California.

Also: Senate Bill No. 666—An Act to provide for the payment for the advertising of the constitutional amendments, and making an appropriation therefor.

Also: Senate Bill No. 674—An Act making an appropriation to pay the claim of the Hollister Bee, for advertising the constitutional amendments for the year 1898.

Also: Senate Bill No. 679—An Act to appropriate the sum of \$2,100 to pay the claim of James A. Devoto, assignee of E. Patrizi and G. Almagia, owners and publishers of L'Italia, for money due and owing the said James A. Devoto, assignee as aforesaid, from the State of California, for publishing constitutional amendments.

Also: Senate Bill No. 681—An Act making an appropriation to pay the claim of the Fresno Evening Democrat, for advertising constitutional amendments.

Also: Senate Bill No. 684—An Act making an appropriation to pay the claim of Raleigh Barcar, publisher of the Vacaville Reporter, for advertising constitutional amendments.

Also: Senate Bill No. 685—An Act making an appropriation to pay the claim of George Roe, publisher of the Vallejo Times, for advertising constitutional amendments.

Also: Senate Bill No. 692—An Act making an appropriation to pay the claim of the Redwood City Democrat, for advertising constitutional amendments.

Also: Senate Bill No. 694—An Act making an appropriation to pay the claim of W. L. Dunn, publisher of the River News, for advertising constitutional amendments.

Also: Senate Bill No. 698—An Act making an appropriation to pay the claim of the Daily Independent, for advertising constitutional amendments.

Also: Senate Bill No. 682—An Act making an appropriation to pay the claim of the Riverside Daily Enterprise, for advertising constitutional amendments.

Also: Senate Bill No. 707—An Act making an appropriation to pay the claim of Le Franco-Californien, for advertising the constitutional amendments for the year 1898.

Also: Senate Bill No. 718—An Act making an appropriation to pay the claim of the Colusa Sun Publishing Company, publishers of the Colusa Sun, for advertising constitutional amendments.

Also: Senate Bill No. 719—An Act to appropriate the sum of \$357 to pay the claim of the Santa Ana Standard for money due and owing the said Santa Ana Standard from the State of California, for the printing of constitutional amendments in the said Santa Ana Standard.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by the committee.

DICKINSON, Chairman.

Senate Bills Nos. 599, 591, 522, 558, 559, 560, 562, 565, 567, 570, 573, 574, 575, 576, 578, 582, 583, 584, 594, 595, 600, 604, 606, 609, 616, 617, 626, 627, 629, 631, 633, 637, 638, 640, 641, 643, 644, 645, 650, 651, 653, 654, 657, 666, 674, 679, 681, 684, 685, 692, 694, 698, 682, 707, 718, and 719 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 726—An Act to declare the Silver Lake wagon road, commencing at Pine Grove, in Amador County, and running thence across the summit of the Sierra Nevada Mountains, via Silver Lake, to Lake Tahoe, a State highway.

Also: Assembly Bill No. 645—An Act to amend Section 558 of the Penal Code, relating to malicious injuries to highways.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTER, Chairman.

Assembly Bills Nos. 726 and 645 ordered on special file of Assembly bills for second reading.

RESOLUTION—(OUT OF ORDER).

By Senator Dickinson:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be suspended, and that Senator Dickinson be permitted to introduce bills numbered 723, 724, 725, 726, 727, 728, 729, and 730.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted and Section 2 of Article IV suspended for the purposes above set forth by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

INTRODUCTION OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been suspended, the following bills were introduced:

By Senator Dickinson: Senate Bill No. 723—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 724—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Clerk of the Supreme Court."

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 725—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk and five deputy clerks of the Clerk of the Supreme Court."

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 726—An Act making an appropriation to pay the claim of the Weekly New Era, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 727—An Act making an appropriation to pay the claim of the Daily Hanford Journal, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 728—An Act making an appropriation to pay the claim of The County Paper, for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 729—An Act to make an appropriation to pay the claim of William Thompson & Co., for advertising the constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

Also: Senate Bill No. 730—An Act making an appropriation to pay the claim of G. E. Arnold, for advertising constitutional amendments.

Read first time, and referred to Committee on Finance and Claims.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Davis moved a reconsideration of the vote whereby Senate Bill No. 63—An Act to amend Section 1227 of the Civil Code of the State of California—was passed.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, and Wolfe—25.

NOES—Senator Taylor—1.

Senate Bill No. 63—An Act to amend Section 1227 of the Civil Code of the State of California.

Senator Davis moved that Senator Morehouse be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, lines 8 and 9, the words "those upon whom such real property would descend under the laws of succession," and inserting the following: "wife of the grantor."

Also: Amend by striking out of Section 1, line 11, the word "heirs" and inserting in lieu thereof the word "wife."

Senator Morehouse moved that the special committee of one be further instructed to amend the proposed amendment as follows:

Amend Section 1, lines 8 and 9, by adding after the word "wife" the following: "and children."

Also: In line 11, after the word "wife," "and children."

The question being on the adoption of the amendment to proposed amendment.

The ayes and noes were demanded by Senators Davis, Bettman, and Laird.

The roll was called, and the amendment to proposed amendment lost by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Cutter, Dickinson, Doty, Dwyer, Leavitt, Morehouse, Shortridge, Sims, Taylor, Trout, and Wolfe—15.

NOES—Senators Ashe, Davis, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Simpson, Smith, and Stratton—16.

The question recurring on the motion to appoint a special committee of one to amend as proposed by Senator Davis.

The ayes and noes were demanded by Senators Davis, Bettman, and Shortridge.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Bulla, Davis, Gillette, Jones, Laird, La Rue, Luchsinger, Rowell, Simpson, Smith, and Stratton—12.

NOES—Senators Bettman, Braunhart, Burnett, Dickinson, Doty, Dwyer, Flint, Hall, Leavitt, Morehouse, Nutt, Prisk, Shortridge, Sims, Taylor, Trout, and Wolfe—17.

Senator Morehouse moved that further consideration of the bill be postponed until Monday, March 6, 1899.

Motion lost.

The question recurring on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Morehouse moved a call of the Senate.

Motion carried.

Time, nine o'clock and forty-five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and three minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Feeney, who was excused for absence from the Senate Chamber, on motion of Senator Bettman.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called, and the President pro tem. announced that Senate Bill No. 63 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Cutter, Dickinson, Doty, Dwyer, Feeney, Hall, Leavitt, Maggard, Morehouse, Nutt, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—21.

NOES—Senators Davis, Flint, Gillette, Jones, Laird, La Rue, Luchsinger, Prisk, Rowell, Smith, and Stratton—11.

Title read and approved on previous day.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Dickinson, his motion to reconsider the vote whereby Assembly Bill No. 44—An Act to amend Section 3519 and to

repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State—was on a previous day refused passage, was postponed until next legislative day.

MOTION.

Senator Shortridge moved that Senate Bill No. 327, which was refused passage on a previous day, and the vote on passage reconsidered yesterday, be now considered.

So ordered.

Senate Bill No. 327—An Act providing for liens upon horses and other animals for the cost of shoeing the same.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Prisk moved a call of the Senate.

Motion carried.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

Further proceedings under call of the Senate were dispensed with, on motion of Senator Wolfe.

The President pro tem. thereupon declared Senate Bill No. 327 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Cutter, Dickinson, Doty, Dwyer, Hall, Laird, La Rue, Leavitt, Morehouse, Nutt, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—21

NOES—Senators Davis, Flint, Gillette, Jones, Langford, Luchsinger, Maggard, Rowell, Sims, and Stratton—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 165—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 354—An Act to amend Section 1 of an Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied, approved February 25, 1897, and to add two new sections thereto.

Also: Senate Bill No. 444—An Act in relation to municipal elections where the same

are held separate from the general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897.

Also: Senate Bill No. 229—An Act to provide for the disposal of money raised by cities or towns for public improvement after the same has been completed and paid for.

Also: Senate Bill No. 362—An Act to establish a camp of instruction for the National Guard of the State of California, and to authorize the acquisition, by donation, of a site for the same.

And report that the same have been correctly enrolled, and presented the same to the Governor on this third day of March, 1899, at seven o'clock and forty-five minutes P. M.

Also: Examined and found the following correctly engrossed: Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Also (reengrossed): Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension by the Board of State Harbor Commissioners, of the seawall, thoroughfare, and belt-line railroad of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Also (engrossed): Senate Bill No. 435—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act."

Also: Senate Bill No. 450—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878.

Also: Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, and the Act amendatory thereof, approved April 1, 1897.

Also: Senate Bill No. 464—An Act relating to permissive physical examinations by Boards of School Trustees and City Boards of Education, and providing for a Bureau of Child Study.

Also: Senate Bill No. 662—An Act to amend Section 1416 of the Civil Code relative to water rights.

Also: Senate Bill No. 493—An Act to provide for sweeping, cleaning, and sprinkling streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities.

Also: Senate Bill No. 73—An Act for the relief of district agricultural associations, and appropriating money therefor.

Also: Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

JONES, Chairman.

Senate Bills Nos. 240, 435, 450, 427, 464, 662, 493, 73, and 524 ordered on file for third reading.

Senate Bill No. 54 ordered on file, pending further action.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith:

SENATE CONCURRENT RESOLUTION NO. 11.

Resolved by the Senate, the Assembly concurring, That this Legislature adjourn sine die at midnight on Wednesday, March 15, 1899.

Resolution read, and referred to Committee on Rules and Revision.

ADJOURNMENT.

At ten o'clock and thirty-seven minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until ten o'clock A. M. of Saturday, March 4, 1899.

IN SENATE.

SENATE CHAMBER,
Saturday, March 4, 1899. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Keeney, Flint, Gillette, Hall, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—28

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Friday, March 3, 1899, was read.

The Journal of Wednesday, March 1, 1899, was approved.

RESOLUTION.

Senator Luchsinger offered the following resolution:

Resolved, That the sum of \$193 75 be and the same is hereby appropriated, payable out of the Contingent Fund of the Senate, to pay the traveling expenses of the special committee of Finance and Claims and State Prisons and Prison Buildings, empowered by resolution to visit and inspect the State Prison at San Quentin, February 24, 1899, and the State Controller is hereby directed to draw his warrant for \$193 75 in favor of the Sergeant-at-Arms of the Senate, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision have had the following resolution under advisement, and recommend that it be adopted:

Resolved, That the meetings of this Senate be, on and after Tuesday, March 7, 1899, at nine o'clock and thirty minutes A. M. daily.

BETTMAN, Chairman.

By unanimous consent, the rules were suspended for the purpose of this day considering the above resolution.

The resolution was placed on its adoption.

Senator Dickinson moved to amend the resolution as follows:

Amend by striking out the words "Tuesday, March 7," and inserting in lieu thereof the words "Monday, March 6."

Amendment adopted.

The question being on the adoption of the report and resolution as amended.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—29.

NOES—Senators Morehouse and Pace—2.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision have had under advisement, and recommend that the following resolution be adopted:

Resolved by the Senate, the Assembly concurring, That Senate Joint Rule XXIII is hereby amended by striking out the last paragraph, or all after the word "bill," at the end of the third paragraph, as shown on page 107 of the Red Book, and inserting in lieu thereof the following: "The report of a committee on free conference shall be final, and must be accepted as such."

BETTMAN, Chairman.

By unanimous consent, the rules were suspended for the purpose of considering the above resolution.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, and Taylor—27.

NOES—Senator Morehouse—1.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision have had under consideration and respectfully recommend the adoption of the following resolution:

Resolved, That the rule heretofore adopted with reference to the length of speeches be amended so that the speech of any author as therein referred to shall not exceed in length ten minutes, nor any other speech exceed in length five minutes, except by consent as in said rule specified. It shall be the duty of the presiding officer to enforce, without any point of order being raised, the provisions of the rules, both as to the length of speeches and as to permitting any Senator to speak more than once upon any pending question, unless by consent.

BETTMAN, Chairman.

On motion of Senator Flint, the above resolution was laid over for one day, in compliance with Senate Rule LVI.

MOTION.

Senator Bulla moved to take up Senate third-reading file for the purpose of considering Senate Bill No. 336 and Committee Substitute for Senate Bill No. 337.

So ordered.

CONSIDERATION OF SENATE THIRD-READING FILE.

Senate Bill No. 336—An Act to amend Section 592 of the Penal Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 336 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Cutter, Davis, Doty, Feeney, Flint, Gillette, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 337 passed by the following vote:

AYES—Senators Bettman, Braunnhart, Bulla, Cutter, Doty, Dwyer, Feeney, Flint, Gillette, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Taylor moved to take up Committee Substitute for Senate Bill No. 105 for consideration.

So ordered.

Committee Substitute for Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 105 passed by the following vote:

AYES—Senators Braunnhart, Bulla, Burnett, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Jones, Langford, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Prisk moved to take up messages from the Governor.

So ordered.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 3, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 30—An Act concerning elections and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections. I approve of this bill because of the general demand for its enactment.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA }
SACRAMENTO, March 4, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I approved Senate Bill No. 721—An Act to amend Section 1379 of the Political Code, relating to the election of delegates to conventions of political parties at elections known and designated as primary elections—on the third day of March, 1899.

HENRY T. GAGE,
Governor of the State of California.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Passed on file.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 240 passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Rowell, Shortridge, Simpson, Sims, Stratton, Trout, and Wolfe—22.

NOES—Senators Bulla, Gillette, and Prisk—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Davis moved to take up the Senate special file.
So ordered.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 202 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—30.

NOES—Senators Feeney and Smith—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 264—An Act to prohibit the use of stagnant water in the drinking troughs used by domestic animals, and to prevent the spread of infectious diseases.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by adding a comma after the word "on," in line 2, Section 1; also, a comma after the word "highway," in the same line.

Amendment adopted.

Also: Amend by inserting after the word "empty," on line 3, the words "and cleanse"; also, after the word "empty," in line 4, the words "and cleanse."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Wolfe asked unanimous consent to withdraw Senate Bill No. 174—An Act making an appropriation to pay the claim of Julius Herzog for injuries sustained while in the service of the National Guard of California—and to substitute therefor on file Senate Bill No. 218—An Act to amend an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, and compelling all banks to publish sworn statements of all unclaimed deposits.

Consent granted.

Senate Bill No. 174 withdrawn and ordered stricken from the file, and Senate Bill No. 218 substituted therefor on file.

MOTION.

Senator Dickinson moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 127—An Act to repeal an Act entitled "An Act to abolish commissions or fees paid by the State for the assessment, equalization, auditing, and collection of ad valorem taxes," approved February 23, 1893—and respectfully ask your concurrence in said amendments.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 127?"

Amend by striking out all after the enacting clause and inserting as follows, viz.:

"SECTION 1. All commissions or fees paid by the State to the officers of any county, or city and county, for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes, are hereby abolished; *provided*, that this shall not affect the commissions paid to the Assessors of the several counties for services rendered in the collection of personal property taxes, as provided by chapter eight of the Political Code, or the mileage allowed to the Treasurers of the several counties, or cities and counties, in making settlements with the State, as provided by section three thousand eight hundred and seventy six of the Political Code.

"SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

"SEC. 3. This Act shall take effect from and after the first Monday in May, eighteen hundred and ninety-three."

Also: Amend the title so as to read as follows, namely: "An Act to repeal an Act to abolish commissions or fees paid by the State for the assessment, equalization, auditing, and collection of ad valorem taxes, approved February 23, 1893"; and also move to amend by striking out, in line 11 of Section 1 of printed bill, the word "seventy" and inserting in lieu thereof the word "seventy"; also, by striking out the words "the first Monday in May, eighteen hundred and ninety-three" where they occur in lines 1 and 2 of Section 3, page 1 of the printed bill, and inserting in lieu thereof the words "its passage."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Betman, Bulla, Burnett, Dickinson, Doty, Dwyer, Flint, Gillette, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senator Simpson—1.

Bill ordered to reëngrossment and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 664—An Act making an appropriation to pay deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth fiscal year.

Also: Assembly Bill No. 665—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-ninth fiscal year.

Also: Assembly Bill No. 606—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the Capitol building, furniture, etc., as allowed, approved, and recommended by the State Board of Examiners.

Also: Assembly Bill No. 695—An Act making an appropriation to pay the deficiency in the appropriation for repairs of the Capitol building and furniture for the fiftieth fiscal year.

Also: Assembly Bill No. 696—An Act making an appropriation to pay the deficiency in the appropriation for the purchase of furniture and carpets in the Capitol building for the fiftieth fiscal year.

Also: Assembly Bill No. 188—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered "2039," concerning the manner in and the time within which certain objections to depositions shall be made.

Also: Assembly Bill No. 482—An Act to amend Section 2955 of the Civil Code of the State of California.

Also: Assembly Bill No. 384—An Act relating to "grub-stake contracts."

Also: Assembly Bill No. 306—An Act amending the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Also: Assembly Bill No. 478—An Act regulating the cancellation of fire insurance policies and providing penalties for refusing to cancel the same.

Also: Assembly Bill No. 745—An Act to abolish the office of Quarantine Officer for the Board of Health for the City of San Francisco.

Also: Assembly Bill No. 596—An Act to amend Section 3640 of the Political Code of the State of California, relating to Assessors' field enrollment book.

Also: Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish.

Also: Assembly Bill No. 392—An Act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities, to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths along country roads for the use of pedestrians, and the wheeling thereon of such vehicles.

Also: Assembly Bill No. 831—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein pool-selling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track, enclosure fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur and upon the days when such trials or contests actually occur or are had, and to provide a punishment for the violation of this Act.

Also: Assembly Bill No. 140—An Act to repeal "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Also: Assembly Bill No. 58—An Act to amend Section 3546 and Section 3547 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 664 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 665 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 606 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 695 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 696 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 188 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 482 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 384 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 478 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 745 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 596 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 365 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 58 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 392 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bill No. 831 read first time, and referred to Committee on Judiciary, with instructions to report back on Monday, March 6, 1899, before ten o'clock A. M.

Assembly Bill No. 140 read first time, and referred to Committee on Mines and Mining.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

Resolved, That the Chief Clerk be instructed to inform the Senate that the Assembly has appointed a special committee, composed of Messrs. Pierce, Valentine, and Caminetti, to confer with a like committee of the Senate to consider the proposition of redistricting the State for district fair purposes, and also to request the Senate to appoint a committee to meet in joint conference to discuss the matter in question.

Said special committee of the Assembly having now before it for consideration Assembly Bill No. 608—An Act to amend Sections 1 and 2 of an Act entitled "An Act entitled 'An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act,' approved March 31, 1897," relating to the classification of counties into agricultural districts.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

In accordance with the above request, the President appointed Senators Rowell, Gillette, and Langford as such committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 668—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges for the same.

Also: Adopted the report of the committee of free conference on Assembly Bill No. 366—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof.

Also: Passed Assembly Bill No. 334—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys in the San Francisco Depot Sinking Fund.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 668 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 334 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

SPECIAL ORDER SET.

On motion of Senator Dickinson, the consideration of Assembly Bill No. 831 was made a special order for Monday, March 6, 1899, to follow other special orders after reading of the Journal.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENTS.

Senator Gillette moved that Senate constitutional amendments be taken up for consideration.

So ordered.

Senate Constitutional Amendment No. 5.—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to be known and designated as Section 7½, Article XI thereof, providing for the framing, by the inhabitants of counties, of local county government Acts for their own government.

The question being on the adoption of the committee substitute, which was offered and read yesterday, and printed in the Journal of that day.

The roll was called, and the substitute refused adoption by the following vote:

AYES—Senators Leavitt, Morehouse, Rowell, Stratton, and Taylor—5.

NOES—Senators Bulla, Burnett, Dickinson, Doty, Gillette, Langford, La Rue, Luchinger, Nutt, Pace, Prisk, Shortridge, Simpson, Smith, Trout, and Wolfe—16.

Senate Constitutional Amendment No. 5 ordered on file.

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

During the reading of the constitutional amendment, the following amendments were submitted by Senator Smith:

Amend by inserting after the word "and," in line 7, the words "the number and compensation."

Amendment adopted.

Also: Amend by inserting in line 8, after the word "regulated," the words "by the Legislatures or."

Amendment adopted.

Also: Amend by inserting in line 9, after the word "counties," the words "and townships."

Amendment adopted.

Constitutional amendment ordered to print and engrossment.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Stratton, in compliance with his notice given on yesterday, moved that the vote whereby Assembly Constitutional Amendment No. 14 was refused adoption, be reconsidered.

The motion was seconded.

Senator Stratton moved that further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 14 was refused final passage be postponed until Monday, March 6, 1899, at two o'clock P. M.

So ordered.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, March 4, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luch-singer, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Ken-neally, Knights, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—76.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Friday, March 3, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, March 3, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Doty, Dwyer, La Rue, Pace, and Sims—5.

For Gavin McNab—Senators Braunhart and Prisk—2.

For James D. Phelan—Senator Hall and Langford—2.

Whole number of votes cast by Senators.....	35
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	5 votes.
Gavin McNab received	2 votes.
James D. Phelan received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Johnson, Kelsey, Kennally, Lundquist, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—16.

For U. S. Grant, Jr.—Messrs. Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—18.

For Irving M. Scott—Messrs. Cosper and Dunlap—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Hanley, Mack, Sanford, Stewart, E. D. Sullivan, and White—7.

For James D. Phelan—Mr. Burnett—1.

For Gavin McNab—Messrs. Caminetti, Cowan, Feliz, Glenn, Griffin, Hoey, Mead, Meserve, O'Brien, and Wardell—10.

For John Rosenfeld—Mr. Crowley—1.

For Jesse D. Grant—Mr. Fairweather—1.

Whole number of votes cast by Assemblymen	73
W. H. L. Barnes received	15 votes.

M. M. Estee received	1 vote.
D. M. Burns received	16 votes.
U. S. Grant, Jr., received	18 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
Stephen M. White received	7 votes.
James D. Phelan received	1 vote.
Gavin McNab received	10 votes.
John Rosenfeld received	1 vote.
Jesse D. Grant received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	108
Necessary to a choice	55
W. H. L. Barnes received	22 votes.
M. M. Estee received	1 vote.
D. M. Burns received	24 votes.
U. S. Grant, Jr., received	25 votes.
Irving M. Scott received	5 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	12 votes.
Gavin McNab received	12 votes.
James D. Phelan received	3 votes.
Jesse D. Grant received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-seven minutes P. M., on motion of Senator Cutter, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Monday, March 6, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and forty minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—31.

Quorum present.

LEAVE OF ABSENCE.

Senator Dwyer was granted leave of absence until Tuesday, March 7, 1899, on his own motion.

Senator Bettman was granted leave of absence for the remainder of the day, on his own motion.

Senator Ashe was granted leave of absence for the remainder of the day, on his own motion.

RECESS.

At twelve o'clock and forty-five minutes P. M., the hour of recess having arrived, the President declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Shortridge, and Sims—21.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 297—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Hartley R. Hodgson, N. G. C.—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 260—An Act to amend sections 1 and 4 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, army nurses, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889—have had the same under consideration, and respectfully report the same back, and recommend that the same, having been improperly referred to this committee, as it carries no appropriation, be referred to Committee on Military Affairs.

Also: Senate Bill No. 259—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Also: Senate Bill No. 688—An Act to appropriate the sum of \$2,500 to pay the claim of Mrs. Lucy Underwood McCann, for money due and owing the said Lucy Underwood McCann from the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 730 (substitute for Assembly Bill No. 598)—An Act to appropriate the sum of \$1,300 to pay the claim of William Henry Murray, for money due and owing to the said William Henry Murray from the State of California.

Also: Senate Bill No. 723—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

Also: Senate Bill No. 724—An Act entitled "An Act to amend section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk, and the deputy clerks, of the Clerk of the Supreme Court."

Also: Senate Bill No. 725—An Act entitled "An Act to amend section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk and five deputy clerks of the Clerk of the Supreme Court."

Also: Senate Bill No. 722—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Treasurer, Levi Rackliffe.

Also: Assembly Bill No. 622—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half-orphans, and abandoned children," approved March 25, 1880.

Also: Assembly Bill No. 303—An Act making an appropriation to pay mileage to A. E. Pomeroy, Percy R. Wilson, J. Marion Brooks, and E. P. Lukens from Los Angeles to the cities named in attending the joint meetings of the Normal School Boards, held at San José June 27, 1897, and at Sacramento December 14, 1898.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 211—An Act to pay the claim of Abraham W. Rapelye against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 34—An Act to pay the claim of W. C. Guirey.

Also: Assembly Bill No. 272—An Act to repeal an Act entitled "An Act authorizing the Controller to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as the Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year"; to create the office of Expert to the Controller, and prescribing his compensation.

Also: Assembly Bill No. 279—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Also: Assembly Bill No. 554—An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same.

Also: Assembly Bill No. 938—An Act authorizing the Governor to order the transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof to such funds.

Have had the same under consideration, and respectfully report the same back, similar Senate bills having been acted upon by the committee.

Also: Senate Bill No. 371—An Act to reorganize the State Board of Health, and to grant it additional powers—have had the same under consideration, and respectfully report the same back, and recommend that the accompanying committee substitute do pass.

Also: Assembly Bill No. 574—An Act to pay the claim of Talbot H. Wallis—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DICKINSON, Chairman.

Senate Bills Nos. 297, 259, 688, 723, 724, 725, 722, and 371 ordered on file for second reading.

Assembly Bill No. 260 referred to Committee on Military Affairs.

Assembly Bills Nos. 730, 622, 303, 211, 34, 272, 279, 554, 938, and 574 ordered on special file for Assembly bills for second reading.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Brauhart, his motion to reconsider the vote whereby Assembly Constitutional Amendment No. 7 was refused adoption was postponed until next legislative day.

CONSIDERATION OF SPECIAL FILE FOR ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 395—An Act to amend Section 1261 of the Political Code.

Read second time, and ordered to third reading.

Assembly Bill No. 349—An Act to amend the Penal Code by adding two new sections to Title IV thereof, relative to crimes against the elective franchise, said sections to be numbered 63 and 63½, respectively.

Read second time, and ordered to third reading.

Assembly Bill No. 439—An Act to amend Sections 3, 11, and 19 of "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof" (approved February 23, 1893); said amendments relating to the treating, buying, or giving of any cigars, or intoxicating beverage, or any temperance beverage, to any person by a candidate for public office.

During the second reading of bill, the following amendment was offered by Senator Leavitt:

Amend by striking out of Section 1, line 57, the word "avid," and inserting the word "avoid."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 19—An Act to amend Sections 1083, 1094, 1113, 1115, 1130, 1131, 1160, 1164, 1174, 1187, 1188, 1196, 1197, 1205, 1210, 1211, 1257, 1258, and 1259 of the Political Code, and to repeal Section 1228 thereof, all relating to elections.

During the second reading of bill, the following amendments were offered by the committee:

Amend by striking out all after the enacting clause, on page 1, and all of pages 2, 3, and 4, and all on page 5 down to and including the word "elections," in line 13, Section 5.

Amendment adopted.

1. Sec. 10 page 8 change "Sec 9" to "Sec 11"

Amendment adopted

2. Sec. Strike out the word "section" in line 3 of Section 6.

Amendment adopted.

3. Sec. Change "Sec 7" to "Sec 11"

Amendment adopted.

4. Sec. Strike out the word "section" in line 3 of Section 7.

Amendment adopted.

5. Sec. Change "Sec 8" to "Sec 11"

Amendment adopted.

6. Sec. Strike out the word "section" in line 3 Section 8 at top of page 9

Amendment adopted.

7. Sec. Change "Sec 9" to "Sec 11"

Amendment adopted.

8. Sec. Strike out the word "section" in line 3 Section 9

Amendment adopted.

9. Sec. Strike out all of Sections 9 and 11.

Amendment adopted.

10. Sec. Change "Sec 12" to "Sec 11"

Amendment adopted.

11. Sec. Strike out the word "section" in line 3 Section 12

Amendment adopted.

12. Sec. Change "Sec 13" to "Sec 11"

Amendment adopted.

13. Sec. Strike out the word "section" in line 3 Section 13, page 11.

Amendment adopted.

14. Sec. Strike out the words "or independent" in line 11 and the word "police" in line 11 Section 14, page 11.

Amendment adopted.

15. Sec. Strike out the word "words" in line 11 of Section 14 and insert in lieu thereof the word "law".

Amendment adopted.

16. Sec. Strike out the words "designated as independent organizations" in line 16 of Section 14 and insert in lieu thereof the words "designated as independent groups".

Amendment adopted.

17. Sec. In line 4 of Section 14 strike out the words "designated in" and insert in lieu thereof the words "made plaintiff to".

Amendment adopted.

18. Sec. In line 10 of Section 14 strike out the words "as party organizations"

Amendment adopted.

Also: In line 63 of Section 13, strike out the words "independently nominated," and insert in lieu thereof the words "nominated under section eleven hundred and eighty-eight."

Amendment adopted.

Also: In line 133 of Section 13, strike out the words "and eleven hundred and ninety-two."

Amendment adopted.

Also: In line 138 of Section 13, strike out the word "body" and insert in lieu thereof "nominations."

Amendment adopted.

Also: In line 140 of Section 13, after the word "office," insert the following: "The name of a candidate shall be printed only once upon the ballot, and if any candidate is nominated by more than one certificate of nomination, he must by a writing signed and verified by him, and filed with the officer where the certificate of nomination is filed, choose which of such party designations he desires to have his name printed under. Such writing, if filed with the Secretary of State, must be filed at least twenty-seven days before the day of election; if filed with a County Clerk or other officer it must be filed at least fourteen days before the day of the election, and if any such candidate shall not so choose, his name shall be placed upon the ballot under the designation of the party named in the certificate of his nomination which was first filed."

Amendment adopted.

Also: Change "Sec. 14" to "Sec. 7."

Amendment adopted.

Also: Strike out the word "section" in line 3, Section 14.

Amendment adopted.

Also: Change "Sec. 15" to "Sec. 8."

Amendment adopted.

Also: Strike out the word "section" in line 3, Section 15.

Amendment adopted.

Also: Change "Sec. 16" to "Sec. 9."

Amendment adopted.

Also: Strike out the word "section" in line 3, Section 16.

Amendment adopted.

Also: Change "Sec. 17" to "Sec. 10."

Amendment adopted.

Also: Strike out the word "section" in line 4, Section 17.

Amendment adopted.

Also: Strike out all of Section 18.

Amendment adopted.

Also: Change "Sec. 19" to "Sec. 11."

Amendment adopted.

Also: Strike out the word "section" in line 3, Section 19.

Amendment adopted.

Also: Strike out all of Section 20.

Amendment adopted.

Also: Strike out all of Section 21.

Amendment adopted.

Also: Change "Sec. 22" to "Sec. 12."

Amendment adopted.

Also: Amend title of bill by striking out the figures "1083," "1094," "1113," "1115," "1130," "1187," and "1188."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 159—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Read second time, ordered to print and third reading.

Assembly Bill No. 274—An Act making an appropriation to pay the claim of I. H. Polk against the State of California.

During the second reading of bill, the following amendment was offered by Senator Cutter:

Amend by striking out of Section 1, page 1, printed bill, the parentheses in lines 4 and 5 of said sections, and all the words included therein.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 347—An Act to appropriate money to pay the Directors of the Deaf, Dumb, and Blind Asylum for the grading and curbing of Waring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy H. Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

Read second time, and ordered to third reading.

Assembly Bill No. 644—An Act to amend Sections 2, 3, and 5 of an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Read second time, and ordered to third reading.

Assembly Bill No. 393—An Act to secure to native born and naturalized citizens of the United States the exclusive right to labor on public works in this State.

Read second time, and ordered to third reading.

Assembly Bill No. 39—An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind for the concrete guttering, culverting, and macadamizing of Waring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, at Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

Read second time, and ordered to third reading.

Assembly Bill No. 441—An Act to amend Section 7 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

During the second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 441.

An Act to amend Section 1 of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read:

Section 1. The boundaries of any incorporated town or city, whether heretofore or hereafter formed, incorporated, reincorporated, organized, or reorganized, may be altered, and new territory annexed thereto, incorporated, and included therein, and made a part thereof, upon proceedings being had and taken as in this Act provided. The Council, Board of Trustees, or other legislative body of such municipal corporation, upon receiving a written petition therefor containing a description of the new territory asked to be annexed to such corporation, and signed by not less than one fifth in number of the qualified electors of such municipal corporation, computed upon the number of votes cast at the last general municipal election held therein, may in their discretion, without delay, submit to the electors of such municipal corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such new territory shall be annexed to, incorporated in, and made a part of such municipal corporation; *provided*, that such legislative body may provide for submitting the question of annexing two or more separate districts of outside territory at the same election. Such question shall be submitted at a special election to be held for that purpose; and such legislative body is hereby empowered to and it shall be its duty to cause notice to be given of such election by the publication of a notice thereof in a newspaper printed and published in such municipal corporation, and also in a newspaper, if any such there be, printed and published outside of such corporation, but in the county in which the territory so proposed to be annexed is situated, in each case at least once a week for a period of four successive weeks next preceding the date of such election. Such notice shall distinctly state the proposition to be submitted, *i. e.*, that it is proposed to annex to, incorporate in, and make a part of such municipal corporation the territory sought to be annexed, specifically describing the boundaries thereof; and in said notice the qualified electors of said municipal corporation, and the qualified electors residing in said territory so proposed to be annexed, shall be invited to vote upon such proposition by placing upon their ballots the words "for annexation," or "against annexation," or words equivalent thereto. If more than one annexation proposition is to be voted on at the same election, then on the ballots used within the corporate limits of such municipality, the different outside districts shall be numbered, and shall be further described and designated by some name by which such district is usually known; the electors respectively in each of said districts so proposed to be annexed shall vote only on the question of annexation of such district in which he lives. Such legislative body is hereby empowered, and it shall be its duty, to establish, and in such notice of election designate the voting precinct or precincts, and the place or places, at which the polls will be opened in such territory or territories, as the case may be, so proposed to be annexed, and also in such municipal corporation. Such legislative body is empowered to, and it shall, appoint the officers of such election, who shall be, for each voting place in such municipal corporation, and for such voting place in said new territory (and in each of them if there be more than one thus to be voted on), two judges and one inspector, each of whom shall be a qualified elector of the voting precincts in which he is appointed to act as an officer of such election. The ballots used at such an election, the opening and closing of the polls, and the holding and conducting of such an election, shall be in conformity, as far as may be, with the general laws of this State concerning elections; and the judges and inspectors of such election shall immediately upon the closing of the polls count the ballots, make up and certify the tally-sheets of the ballots cast at their respective polling places, seal, and then immediately return the same as below provided, doing so as near as practicable in the manner provided in the election laws of this State; but the ballots, tally-sheets, and returns shall be so returned to and deposited with the clerk of such legislative body. Such legislative body shall, at the time provided for its regular meeting next after the expiration of three days from and after the date of said election, meet and proceed to open and canvass said ballots, tally-sheets, and returns; and such canvass shall be completed at such meeting, if practicable, and in any event, as soon as practicable, avoiding adjournment or adjournments, if possible, until said canvass is completed. Such canvass by such legislative body shall be conducted and completed as follows: The ballots cast in such outside territory or territories so proposed to be annexed, together with the tally-sheets and returns belonging therewith, shall be canvassed separately; and the ballots cast

inside of said municipal corporation, together with their tally-sheets and returns, shall be canvassed separately. Immediately upon the completion of such canvass said legislative body shall cause a record thereof to be made and entered upon its minutes showing the whole number of ballots cast in such outside territory, or if the proposition for the annexation of more than one territory or district shall have been submitted, then in each of said territories respectively, the whole number of ballots cast in such municipal corporation, the number thereof cast in each in favor of annexation, and the number thereof cast in each against annexation; and if it appear from such canvass that a majority of all the ballots cast in any of the territories sought to be annexed and a majority of all the ballots cast within the municipal corporation be for the annexation of such territory, the clerk, or other officer performing the duties of clerk of such legislative body, shall promptly make and certify, under the seal of said municipal corporation, and transmit to the Secretary of State, a copy of said record so entered upon said minutes, together with a statement showing the date of said election, and the time and result of said canvass, which document shall be filed by the Secretary of State immediately upon the receipt thereof. From and after the date of the filing of said document in the office of the Secretary of State, the annexation of such territory so proposed to be annexed shall be deemed and shall be complete, and thenceforth such annexed territory shall be, to all intents and purposes, a part of such municipal corporation, except only that no properties within such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation. No territory which, at the time such petition for such proposed annexation is presented to such legislative body, forms any part of any incorporated town or city shall be annexed under the provisions of this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Substitute read and adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 33—An Act to authorize agricultural societies to borrow money and secure the payment of the same.

Read second time, and ordered to third reading.

Assembly Bill No. 416—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered, respectively, Sections 248, 249, and 250, relating to the committees of the respective houses of the Legislature, and to the duties of the Judiciary and standing committees thereof.

Read second time, and ordered to third reading.

Assembly Bill No. 147—An Act to amend Sections 2570 and 2571 of the Political Code of the State of California, relative to the Harbor-master of the Port of Eureka, and relative to the salaries of the members of the Board of Harbor Commissioners.

Read second time, and ordered to third reading.

Assembly Bill No. 690—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

During the second reading of bill, the following amendment was offered by Senator Luchsinger:

Amend by striking out of Section 4, line 3, the word "mantence," and inserting the word "maintenance."

Bill read second time, ordered to print and third reading.

Assembly Bill No. 597—An Act authorizing the Attorney-General to appoint a competent person to compile and index the opinions of the Attorneys-General of the State of California, and making an appropriation for the payment of such compilation and indexing.

During the second reading of bill, the following amendment was offered by Senator Davis:

Amend by striking out of Section 4, line 4, the word "thereupon," and inserting the following: "on or after the first day of January, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 206—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding a new section, to be numbered Section 3, to read as follows:

"Sec. 3. That Section 11 of an Act entitled 'An Act creating a Board of Bank Commissioners and prescribing their duties and powers,' approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as further amended by an Act approved March 26, 1895, be and the same is hereby amended to read as follows:

"Section 11. If the Bank Commissioners, on examination of the affairs of any corporation mentioned in section three of this Act, shall find that any such corporation has been guilty of violating its charter, the laws of this State, or any of the provisions of this Act, or is conducting business in an unsafe manner, they shall, by an order addressed to the corporation so offending, direct discontinuance of such illegal and unsafe practices, and a conformity with the requirements of the law and its charter, and of the provisions of this Act. And if such corporation shall refuse or neglect to conform with such requirements before the expiration of the time in the order specified, or if it shall appear to said commissioners and they shall unanimously decide that it is unsafe for any such corporation to continue to transact business, it shall be the duty of the commissioners immediately to take such control of such corporation, and all the property and effects thereof, as may be necessary to prevent waste or diversion of assets, and to hold possession of the same until the order of court hereinafter mentioned, and to immediately notify the Attorney-General of their action; and it is hereby made the duty of the Attorney-General, upon receiving such information, to immediately commence a suit in equity in the proper court against such corporation to declare such corporation insolvent, and to remove all the directors and trustees thereof, and to enjoin and prohibit them from the transaction of any further business, and service upon the corporation shall be considered service upon the directors and trustees, and such suit shall be set to be heard peremptorily not later than ten days from the filing of the complaint. If upon the hearing of the case the court shall find it is unsafe for such corporation to continue business, and that such corporation or institution is insolvent, said court shall issue the injunction applied for, and shall cause the same to be served according to law, and shall appoint one or more receivers for such corporation, and such receiver or receivers shall have the usual rights, powers, and duties of receivers in equity, and such other rights, powers, and duties as the court shall deem proper to confer upon him or them, including the power to call in, by suit or otherwise, all unpaid subscriptions for stock, and to levy assessments and enforce the liability of stockholders for their pro rata of any debts due by the corporation to its depositors and other creditors, and he shall bring suit to set aside any and all conveyances or transfers of property, fraudulent or otherwise voidable, made by the corporation or its stockholders with intent to hinder, delay, or defraud the depositors or other creditors of said corporation, or made to evade the stockholders' liability, and each receiver shall give bond in such sum as the court shall direct.

"The directors and trustees of any corporation mentioned herein heretofore in liquidation and the receivers of any corporation mentioned herein shall make reports of the condition of its affairs to the Bank Commissioners, in the same manner as solvent banks mentioned in this Act, and in addition thereto shall state the amount of dividends paid, debts collected, the amounts realized on property sold, if any, since the previous report. The Bank Commissioners shall have the power and it is hereby made their duty to examine the condition of every such corporation in liquidation in the same manner as in the case of solvent banks, and they shall transmit one copy of their report to the directors and trustees and the receivers thereof, and one copy to each of the judges of the court in which such corporation is in process of liquidation."

Amendment adopted.

Also: Amend by striking out "Sec. 4," and inserting in lieu thereof "Sec. 5."

Amendment adopted.

Also: Amend by striking out "Sec. 3," and inserting in lieu thereof "Sec. 4."

Amendment adopted.

Also: Amend by striking out all that part of Section 7 after the word "demeanor," in line 28, page 2, printed bill.

Amendment adopted.

Also: Amend the title by inserting after the figure "9" the word and figure "and 11."

Amendment adopted

Also: Amend title by striking out the word "and," after the figure "7," and inserting a comma.

Amendment adopted.

The following amendment was offered by Senator Taylor:

Amend by striking out of Section 2, line 18, the words "*provided*, that the statement," and strike out all of lines 19, 20, 21, and 22, and the words "set forth" in line 23.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 376—An Act to provide for a free employment department, to be maintained in connection with the Bureau of Labor Statistics.

Read second time, and ordered to third reading.

LEAVE OF ABSENCE.

At three o'clock and thirty minutes p. m., Senator Prisk was granted a leave of absence for the remainder of the day, on his own motion.

MOTION.

Senator Leavitt moved that the time until recess be given to the consideration of the special file of Assembly bills.

So ordered.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 352—An Act relating to the disposition of moneys belonging to deceased inmates of public institutions supported in whole or in part by State aid and under the control of boards appointed by the Governor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 352 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Shortridge, Sims, Smith, Taylor, and Trout—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

During the second reading of bill, the following amendment was offered by Senator Laird:

Amend by striking out all of Section 9, page 5.

Amendment lost.

The following amendments were submitted by the committee:

Amend by striking out after the word "advisable," in line 10 to line 23, inclusive, Section 7, page 4, printed bill, and inserting in lieu thereof the following: "In addition to

the above, each registered manufacturer, importer, agent, or dealer shall pay to the said secretary the sum of twenty-five (25) cents, upon the sale of each ton of any commercial fertilizer or material used for manurial purposes, the price of which to the consumer is eight (8) dollars or more per ton; such payments to be based upon a sworn statement showing sales made; such statements and payments of tonnage tax in accordance therewith to be made quarterly to the Secretary of the Board of Regents of the University of California."

Amendment adopted.

Also: Strike out after the word "Act," in line 30, from the word "*provided*" up to and including the word "tons," in line 33 of said section, and insert in lieu thereof the following: "*provided*, that in the case of animal tankage sold as such for manurial purposes, a deficiency of not more than one and one half per cent of nitrogen, or two per cent of phosphoric acid, or one per cent of potash, shall not subject the manufacturer to the penalties provided in this Act."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 911—An Act to amend the Political Code by adding a new section thereto, numbered 1186½, relating to the organization of committees to represent political parties at primary elections.

Read second time, and ordered to third reading.

Assembly Bill No. 662—An Act making an appropriation to pay the salaries of the employes of the Commissioner of Public Works.

During the second reading of bill, the following amendment was offered by Senator Doty:

Amend by striking out all of Section 3, and inserting the following:

"Sec. 3. This Act shall take effect on or after January first, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 411—An Act authorizing the Secretary of State to furnish his office and the vault connected therewith, and making an appropriation therefor.

Read second time, and ordered to third reading.

Assembly Bill No. 988—An Act to authorize and permit the use of the Great Seal of the State of California, and such other appropriate designs pertaining to said State, by the order of the Native Sons of the Golden West, a patriotic order, created and existing under the laws of the State of California, in the making of medals to be presented by and under the auspices of said order to the officers and members of the United States volunteer troops from California, who have been in active service in the late war with Spain.

Read second time, and ordered to third reading.

Assembly Bill No. 192—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Read second time, and ordered to third reading.

Assembly Bill No. 37—An Act relating to certain contracts for the conditional sale, lease, or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof.

Read second time, and ordered to third reading.

Assembly Bill No. 500—An Act to amend Section 472 of the Political Code of California, relating to Attorney-General.

Read second time, and ordered to third reading.

Assembly Bill No. 440—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting, by Boards of Supervisors and by the municipal authorities of cities and towns to railroad corporations, of franchises for the construc-

tion of wharves and piers for terminal purposes of such railroad corporations, when found necessary, without offering the same for sale, excepting from the operation of this Act any property under the jurisdiction or control of any Board of State Harbor Commissioners.

Passed on file.

Assembly Bill No. 847—An Act to amend Section 2712 of the Political Code, relative to bridges, subways, and culverts.

During the second reading of bill, the following amendments were offered:

By Senator Leavitt:

Amend by adding the word "Sec." before the figure "2" in line 1.

Amendment adopted.

By Senator Taylor:

Amend by striking out of Section 1 lines 9, 10, 11, and 12.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 62—An Act appropriating money to pay the expenses of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Passed on file.

Assembly Bill No. 22—An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon.

Passed on file.

Committee Substitute for Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, and 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations.

Passed on file.

Assembly Bill No. 138—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885, and to add two new sections thereto, all relating to the State Board of Dental Examiners, and regulating the practice of dentistry in this State.

Passed on file.

Assembly Bill No. 509—An Act providing for the maintenance of a mansion for the Governor of the State of California, and empowering the State Capitol Commissioners to provide for the heating, lighting, and repairs and renewal of furnishings of said mansion, and providing for the number and salaries of the necessary employes and servants selected and employed by the Governor therein, and for the appropriation of necessary money for such purposes, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out after the figures "1899" the whole of the section, namely, lines 8 to 20, inclusive, Section 1, and inserting in lieu thereof the following: "The State Controller and the State Treasurer shall transfer from the General Fund into a fund which shall hereafter be known and designated as the Governor's Residence Fund, the sum of five thousand dollars, which fund shall be drawn upon by the Governor of the State of California for maintenance, salaries of necessary employes and servants, to be selected and employed by the Governor, to properly maintain and conduct said Governor's residence; *provided*, that the aggregate amount of the salaries of said employes, servants, and maintenance shall not exceed the sum of twenty-five hundred dollars per year, and the several items of appropriation necessary therefor shall thereafter be carried in the General Appropriation Bill as are the items of appropriation for the maintenance of other State property."

Amendment adopted.

Also: Amend by striking out Sections 2, 3, and 4.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 127—An Act to provide for the purchase of additional land for the Folsom State Prison, and making an appropriation therefor.

Read second time, and ordered to third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed: Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Also: Committee Substitute for Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Also: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

JONES, Chairman.

Senate Bill No. 43 ordered on file for third reading.

Committee Substitute for Senate Constitutional Amendment No. 15, and Senate Constitutional Amendment No. 6, ordered on file.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Read third time.

Senator Langford moved that Senator Davis be appointed a special committee of one to amend the bill as follows:

Amend by inserting the following at the end of Section 1: "*provided further*, that no rentals shall be prescribed, nor charges made or collected by said board upon perishable freight or products, for the use of said section 'four' for the purposes enumerated in this section, but the use of said section 'four' for said purposes shall be free for all perishable freight and products."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San

Francisco to be part of the free public market established by the Act approved March 29, 1897—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 392—An Act to authorize counties, cities and counties, and towns to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths for the use of pedestrians, and the wheeling thereon of such vehicles—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTER, Chairman.

Assembly Bill No. 392 ordered on special file for Assembly bills for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 260—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

LAIRD, Chairman.

Assembly Bill No. 260 ordered on special file for Assembly bills for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 954—An Act to amend Section 134 of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Assembly Bill No. 955—An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Assembly Bill No. 956—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Also: Assembly Bill No. 957—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STRATTON, Chairman.

Assembly Bills Nos. 954, 955, 956, and 957 ordered on special file for Assembly bills for second reading.

ON MINES, DRAINAGE, AND DÉBRIS.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Débris, to whom was referred Assembly Bill No. 325—An Act relating to the liens of miners and others upon mining claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 140—An Act to repeal "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notice of location thereof, amending defective locations, and providing for the deposit of district records with County Recorder, and prescribing the effect to be given to recordation of notices of location and affidavit," approved March 27, 1897—have had the same under consideration, and respectfully report the same back without recommendation.

DAVIS, Chairman.

Assembly Bills Nos. 325 and 140 ordered on special file for Assembly bills for second reading.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report from the Committee of Free Conference on Assembly Bill No. 366 was received and read:

SENATE CHAMBER, SACRAMENTO, February 28, 1899.

MR. PRESIDENT: Your Committee of Free Conference concerning Assembly Bill No. 366—An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof—report that we have met a like committee of the Assembly, consisting of Assemblymen Hoey, Johnson, and Works, and we report that the free conference committee agreed upon and recommend the adoption of the following amendments to said bill, viz:

AMENDMENT No. 1.

Add to the title the following, viz.:

"Providing for the insertion of certain stipulations in contracts for public works, imposing penalties for violation of the provisions of this Act, and providing for the enforcement thereof."

AMENDMENT No. 2.

Add to Section 2 the following, viz.:

"Nothing in this Act shall be construed to authorize the collection of said penalty from the State or any political subdivision thereof."

TAYLOR,
LEAVITT,

Committee of Free Conference of the Senate.

On motion, the further consideration of the above report was postponed until Monday, March 6, 1899.

RECESS.

At four o'clock and forty minutes P. M., on motion of Senator Bulla, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Boyce, Braunbart, Bulla, Burnett, Davis, Dickinson, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Sims, Taylor, Trout, and Wolfe—21.

Quorum present.

CONSIDERATION OF BILLS OUT OF ORDER.

By unanimous consent, the following bills were taken up out of order, and considered:

On motion of Senator Nutt: Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay.

Read third time.

Senator Nutt moved that Senator Luchsinger be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 3, line 1, the words: "This Act shall take effect immediately," and inserting the following: "Before any expenses shall be incurred under this Act, except for making the proper plans and specifications and for the estimates of cost, proper plans and specifications and estimates of costs for all the purposes of this Act shall be had and approved by said Board of Harbor Commissioners and also by the State Board of Examiners, which plans and specifications shall not thereafter be changed or modified except by the consent of said Board of Harbor Commissioners and also of said Examiners first had."

Also : Amend by adding a new section as follows :

"Sec. 4. This Act shall take effect immediately."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT : Your special committee of one, to whom was referred Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay—with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

On motion of Senator Sims: Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

Senator Sims moved that Senator Braunnhart be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 5, line 1, the word "immediately." and inserting the words "January first, A. D. nineteen hundred."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT : Your special committee of one, to whom was referred Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same—with instructions to amend, respectfully reports the same back, amended as per instructions.

BRAUNHART, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

On motion of Senator Leavitt: Senate Bill No. 330—An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$250,000.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 330.

An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$100,000.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Controller and State Treasurer are hereby authorized and directed to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of one hundred thousand dollars, in the following manner: on the first day of July, A. D. nineteen hundred, the sum of fifty thousand dollars; on the first day of July, A. D. nineteen hundred and one, the sum of fifty thousand dollars; *provided, that*

no part of said sums shall be used for the purpose of payment of the salaries of officers or employés.

Substitute read and adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Wolfe: Senate Bill No. 678—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 26, 1895.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "two," in line 6, page 3, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

Also: Amend by striking out the words "three thousand," in line 4, page 3, printed bill, and inserting in lieu thereof the words "three thousand six hundred."

Amendment adopted.

Also: Amend by striking out the small "i" in word "in," in line 16, page 2, printed bill, and inserting in lieu thereof the capital "I."

Amendment adopted.

Also: Amend by striking out the words "no two of the said Commissioners shall be residents of the same county," in lines 15 and 16, page 2, printed bill.

Amendment adopted.

Also: Amend the title so as to read as follows:

"An Act to amend Sections 1, 8, 12, 14, and 16 of an Act entitled 'An Act creating a Board of Bank Commissioners, and prescribing their duties and powers,' approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 26, 1895, and increasing the number of said commissioners to five, and relating to their qualifications, appointment, powers, duties, salaries, expenses, and term of office, and to the recording and notice of assignment of mortgages and deeds of trust held by savings banks."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Boyce: Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 155 passed by the following vote:

AYES—Senators Boyce, Braunnhart, Bulla, Burnett, Davis, Dickinson, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator La Rue: Assembly Bill No. 353—An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893;

reducing the amount of such appropriation per capita, but increasing said appropriation in the aggregate.

Read third time.

Senator La Rue moved that Senator Sims be appointed a special committee of one to amend the bill as follows:

Strike out of Section 1, line 20, the word "fifty-five," and insert the word "forty-five."
Also: Strike out of the last line of the title "but increasing said appropriation in the aggregate."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 353—An Act to amend an Act entitled "An Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893; reducing the amount of such appropriation per capita—with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMS, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

On motion of Senator Maggard: Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897.

Read second time, and ordered to engrossment.

On motion of Senator Braunhart: Senate Bill No. 34—An Act to establish a State Normal School in the City and County of San Francisco, State of California, and making an appropriation of \$150,000.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 34.

An Act to establish a State Normal School in San Francisco, and making an appropriation of \$25,000 therefor.

The People of the State of California, in Senate and Assembly, do enact as follows:

SECTION 1. There shall be a State Normal School established in the City and County of San Francisco, State of California, to be called the San Francisco State Normal School, for the training and educating of teachers and others in the art of instructing and governing the public schools of this State.

SEC. 2. The Governor shall, within thirty days after the passage of this Act, appoint five persons who, with the Governor and State Superintendent of Public Instruction, shall constitute the Board of Trustees of said normal school.

SEC. 3. The said trustees shall, within sixty days after their appointment, establish and cause to be opened and carried on in said City and County of San Francisco the said normal school; and shall provide suitable accommodations for the same, and may accept from the said City and County of San Francisco, or from the Board of Education thereof, a building or buildings for the use of said school.

SEC. 4. The said State Normal School shall be governed by the laws governing the present State Normal Schools of this State, and the terms of office of said trustees shall be the same as the terms of the trustees of the said other State Normal schools.

SEC. 5. The sum of twenty five thousand dollars is hereby appropriated out of the moneys of the State not otherwise appropriated, for establishing and maintaining said State Normal School of San Francisco and providing suitable accommodations therefor.

SEC. 6. The Controller of State shall draw his warrant or warrants for said amount as required in favor of said trustees.

SEC. 7. This Act shall take effect immediately; *provided*, that of the moneys hereby appropriated no more than one half shall be payable before the first day of January, nineteen hundred.

Substitute read and adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Davis: Senate Bill No. 284—An Act to appropriate money for the purchase of tools and books for the use of the Preston School of Industry.

During the second reading of bill, the following amendment was offered by Senator Davis:

Amend by inserting the following at the end of Section 2: "*provided, however, that said appropriation shall not be available till on or after January first, nineteen hundred.*"

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 285—An Act to appropriate money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "three thousand five hundred," in line 3, Section 1, page 1, printed bill, and inserting in lieu thereof the words "two thousand five hundred."

Amendment adopted.

The following amendment was offered by Senator Davis:

Amend by inserting the following at the end of Section 2: "*provided, however, that said appropriation shall not be available till on or after January first, nineteen hundred.*"

Amendment adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Taylor: Senate Bill No. 516—An Act to amend Section 1726 and Section 1732 of the Code of Civil Procedure of the State of California, relating to the duties of Public Administrator.

Read second time, and ordered to engrossment.

On motion of Senator Burnett: Senate Bill No. 434—An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the word "dollars" after the word "thousand," and the dollar mark "\$" before the figure "5," in line 1, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by inserting the words "or so much thereof as may be necessary:" after the figures "5,000," on line 1, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out lines 6, 7, 8, 9, 10, and 11, and change punctuation in Section 1, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Shortridge: Senate Bill No. 547—An Act making an appropriation to pay the claim of J. E. Edson.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words and figures "three thousand dollars (\$3,000)," in line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "nine hundred and eighty-seven dollars."

Amendment adopted.

Also. Amend by striking out the word "immediately," in line 1, Section 3, page 1, printed bill, and inserting in lieu thereof the following: "the first day of January, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Rowell: Senate Bill No. 586—An Act to add a new section to the Penal Code, said section to be designated as Section 625½, relating to oil pipe-lines.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all words after the word "line," in line 5, printed bill, and inserting in lieu thereof the following: "shall be guilty of a felony."

Amendment lost.

Bill read second time, and ordered to engrossment.

On motion of Senator Jones: Senate Bill No. 491—An Act to amend subdivisions 9 and 18 of Section 433 of the Political Code, relating to the duties of the Controller.

Read third time.

Senator Jones moved that Senator Dickinson be appointed a special committee of one to amend the bill as follows:

Strike out of Section 1, line 5, the words "second Monday in October," and insert in lieu thereof the following: "fifteenth day of December."

Also: Strike out of Section 1, all of subdivision 19.

Also: Strike out of Section 1, line 95, the words "and of the State Board of Tide Land Commissioners."

Also: Amend by renumbering subdivisions 20 and 21 to read subdivisions "19" and "20."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 491—An Act to amend subdivisions 9 and 18 of Section 433 of the Political Code—with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

On motion of Senator Morehouse: Assembly Bill No. 611—An Act to repeal an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872; and to repeal an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 9, 1877; and to repeal an Act entitled "An Act to amend Sections 1, 5, 7, 8, 10, and 11 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 19, 1889.

Read second time, and ordered to third reading.

On motion of Senator Hall: Senate Bill No. 334—An Act to provide for the assessment, levy, and collection of an income tax.

During the second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 334.

An Act to provide for the assessment, levy, and collection of an income tax.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this Act there shall be assessed, levied, collected, and paid annually, in addition to all taxes now or hereafter provided for by

law upon the gains, profits, and incomes derived in the preceding calendar year, by every person, company, association, or corporation, residing or doing business in this State, whether such gains, profits, or incomes be derived from any kind of property, rents, interest, or dividends from any business done, carried on, or arising in this State, or from any source whatever in this State, a tax of two per centum on the amount so derived on the excess over five thousand dollars, and a like tax shall be levied, collected and paid annually upon the gains, profits, and incomes from all property owned and of business carried on in this State by any person, company, association, or corporation residing or having their principal place of business out of this State; *provided, however*, that any owner of shares of stock, or interest in any company, association, or corporation taxed herein shall not be required to include in the statement specified in section three hereof as a portion of the gains, profits, and income herein specified, the earnings or dividends derived from said stock or interest. And in estimating the gains, profits, and incomes, there shall not be included interest upon such bonds or security as are by the law of their issue exempted from taxation.

SEC. 2. That in computing the gains, profits, and incomes mentioned in section one of this Act, the necessary expenses actually incurred in carrying on any business, occupation, or profession, not including remuneration to the taxpayer for personal supervision or the support or maintenance of himself, or herself, or his or her family, shall be deducted from the gross income or revenue, and the word "income" as used in this Act shall be deemed and taken to mean gross profits, and no deduction shall be made or allowed for any amount paid out or contracted for permanent improvements or betterment made to increase the value of any property or estate or increase the capital, capital stock, or assets.

SEC. 3. Every person, company, association, or corporation mentioned in section one of this Act shall, between the first days of January and March, nineteen hundred, and between the same dates of each year thereafter, make and cause to be filed with the State Board of Equalization a statement in writing of the gross income or revenue of such person, company, association, or corporation for the year ending December thirty-first last preceding, also a statement of the necessary expenses actually incurred in carrying on the business, occupation, or profession from which such income or revenue was derived. Such statement shall be verified by the person or by the president, secretary, or cashier, or managing agent of all such associations or corporations, or by any member of a copartnership, which verification shall be substantially as follows:

"I, ———, do swear that I am the person mentioned in the foregoing statement (the president, secretary, cashier, or managing agent of the association or corporation, or a member of the copartnership mentioned in the foregoing statement), that the same is the full, true, correct statement of the gross income and revenue derived by ——— from any and all business, occupation, or profession in which ——— been interested and carried on or arising in this State or from any source whatever in this State during the year ending December thirty-first last preceding the date of this affidavit. Also, that it contains a statement of the necessary expenses actually incurred in carrying on business, occupation, or profession, not including remuneration to the taxpayer for personal supervision for the support and maintenance of himself or herself, or his or her family. That ——— post office address is ———."

SEC. 4. The State Board of Equalization, between the first days of March and May, nineteen hundred, and between the same dates of every year thereafter, shall examine the statements filed as provided by section three hereof, and determine therefrom the amount of taxes which each person, company, association, or corporation is liable, and shall make a record in duplicate of the same in books to be kept for such purpose in their office, and shall, on completion of such record, deliver all of the said books to the State Treasurer, and said Board of Equalization shall, during the month of May of each of said years, notify said person, company, association, or corporation of the amount due from such person, company, association, or corporation; and the tax for which such person, company, association, or corporation is liable shall be due and payable at the office of the State Treasurer on the first day of June next thereafter; and if not paid on or before the first of July next following, the same shall be delinquent and may be collected by suit in the name of the State of California. And it is hereby made the duty of the State Controller to notify, in writing, the Attorney-General of the names and post office addresses of the several persons, companies, associations, or corporations liable for such tax, and who have not paid the same as required by this Act, and the amount due from each. And it is hereby made the duty of the Attorney-General, and he is hereby empowered to bring such suit or suits against such person, company, association, or corporation for the recovery of said taxes; in which suit writs of attachment, injunction or other process may be issued as in other cases for the recovery of personal property, and for the purposes of suits in this Act mentioned, the jurisdiction thereof shall be in the Superior Court of the County of Sacramento, State of California.

SEC. 5. Any person, company, association or corporation carrying on or operating in this State any railroad, the system of which or the whole thereof extends to and is carried on in another State or States, such person, company, association or corporation shall, within the time mentioned in section three hereof, make and file with the said Board of Equalization a statement of the gross income and revenue derived from such business during the calendar year mentioned in section three hereof, and also a detailed statement showing the necessary expenses actually incurred in carrying on the said business, also the total number of miles of such road so operated, and also the total number of miles operated in this State; and for the purpose of fixing the amount of tax

which such person, company, association, or corporation shall pay under the provisions of this Act, the expenses mentioned in this section shall be deducted from said income or revenue, and tax on the balance then remaining shall be on such proportion thereof in the excess over the amount of exemption mentioned in section one hereof, as the number of miles of such road within this State shall bear to the whole number of miles of such road operated.

SEC. 6. Any person, company, association, or corporation liable for the tax in this Act provided for, failing to file with the Board of Equalization within the time specified in section three hereof the statement required to be filed by said section, shall be subject to a penalty of three hundred dollars, which penalty may be recovered in any suit brought by any taxpayer of this State in any court of competent jurisdiction in the county wherein such person resides, or where such company, association, or corporation has its principal place of business, which suit shall be brought in the name of the People of the State of California, and the moneys so recovered shall be paid over to the person bringing such suit, and the prevailing party shall recover costs and a reasonable sum for attorney fees, and it shall be competent in such suit for the court to require the defendant in such suit to produce any books, documents, and papers for the purposes of such suit, and to make due inquiry and determine the amount of tax which such person, company, association, or corporation is liable for, and shall forward to the State Board of Equalization a certified copy of such judgment, and said Board of Equalization shall, upon receipt thereof, enter upon the said books mentioned in section four hereof the amount of tax shown by said judgment for which such person, company, association, or corporation is liable, and shall then notify the Attorney-General of the amount so due, and the said Attorney-General shall then proceed to collect the same, as in section four hereof provided.

SEC. 7. The income tax provided for in this Act, when paid into the State Treasury, shall become a part of the General Fund.

Substitute read and adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Hall: Senate Bill No. 301—An Act entitled an Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read second time, and ordered to engrossment.

On motion of Senator Bulla: Assembly Bill No. 104—An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat, and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns within the State of California, and repealing conflicting Acts.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend title of bill by inserting the words "and providing a penalty for violations of this Act," between the word "California" and the word "and," in the last line of the title.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line 16 of Section 1, printed bill, the following: "*provided, that nothing in this Act shall prevent or affect the granting of any such privilege or franchise which has already been or which is now being advertised for sale by any such governing body.*"

Amendment adopted.

AMENDMENT No. 3.

Amend by adding the word "thereon" after the word "had," in line 3 of Section 3, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Strike out of lines 13 and 14, in Section 5, printed bill, the words "who shall then and there deposit," and insert in lieu thereof the words "who shall within such reasonable time (but not less than one day, nor exceeding five days), as may be prescribed and designated by such governing body, deposit."

Amendment adopted.

AMENDMENT No. 5.

In line 7, Section 5, printed bill, strike out the "." (period) after the word "bids," and insert a "," (comma), and then add the following: "and may readvertise for bids."

Amendment adopted.

AMENDMENT No. 6.

Strike out of line 8, Section 5, printed bill, the words "after the," and insert in lieu thereof the following: "in case bids are again readvertised for and invited in the same proceeding, after such new."

Amendment adopted.

AMENDMENT No. 7.

Insert in line 10, Section 5, printed bill, after the word "bids," the words "or new bids may be offered."

Amendment adopted.

AMENDMENT No. 8.

Insert the words "or semi-weekly" after the word "weekly," in line 6, Section 4, printed bill.

Amendment adopted.

AMENDMENT No. 9.

Strike out the word "weekly," in line 9, Section 4, printed bill.

Amendment adopted.

AMENDMENT No. 10.

In Section 6, line 4, after the word "fund" insert the words "if any such fund there be."

Amendment adopted.

AMENDMENT No. 11.

Strike out of lines 21 and 22 of Section 6 the words "with the concurrence of such applicant."

Amendment adopted.

AMENDMENT No. 12.

Strike out of lines 22 and 23, Section 6, the words "prior to the granting of" and insert in lieu thereof the words "prior to advertising the notice of sale of."

Amendment adopted.

AMENDMENT No. 13.

Strike out all of Section 14, and insert in lieu thereof the following:
"Sec. 14. All Acts and parts of Acts in conflict with this Act are hereby repealed."

Amendment adopted.

Bill read second time, ordered to print and third reading.

On motion of Senator Trout: Senate Bill No. 397—An Act to amend Section 1579 of the school law of California.

Read second time, and ordered to engrossment.

On motion of Senator Luchsinger: Senate Bill No. 544—An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor; and to prescribe the punishment for a violation of the game laws of this State."

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting in Section 3, line 3, printed bill, the word "and," after the word "bird."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line 3, Section 3, before the word "trout," the words "preservation and protection of."

Amendment adopted.

AMENDMENT No 2

AMENDMENT No 2 to Section 4 the word "and" inserted after the word "dearest" and the word "dearest" inserted.

AMENDMENT No 3

AMENDMENT No 3 to Section 4 after the word "and" the word "is" and the word "is" inserted.

AMENDMENT adopted

AMENDMENT No 4

AMENDMENT No 4 to Section 4 the word "and" inserted after the word "is" and the word "is" inserted.

AMENDMENT adopted

AMENDMENT No 5

AMENDMENT No 5 to Section 4 the word "and" inserted after the word "is" and the word "is" inserted.

AMENDMENT adopted

AMENDMENT No 6

AMENDMENT No 6 to Section 4 the word "and" inserted after the word "is" and the word "is" inserted.

AMENDMENT adopted

AMENDMENT No 7

AMENDMENT No 7 to Section 4 the word "and" inserted after the word "is" and the word "is" inserted.

AMENDMENT adopted

Bill read second time, ordered to pass and agreed to.

By Section Four, Article Four of the Constitution of the State of New York, the following amendments were adopted by the Legislature.

Section Four, Article Four of the Constitution of the State of New York, the following amendments were adopted by the Legislature.

AMENDMENT adopted

Section Four, Article Four of the Constitution of the State of New York, the following amendments were adopted by the Legislature.

AMENDMENT adopted

Section Four, Article Four of the Constitution of the State of New York, the following amendments were adopted by the Legislature.

Bill read second time, ordered to pass and agreed to.

MESSAGE FROM THE GOVERNOR

At the session of the Senate the following message from the Governor was taken up and read.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 4, 1899.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 49—An Act to amend Sections 1094, 1095, 1096, 1097, 1101, 1103, 1104, 1105, 1113, 1115, 1116, 1130, 1204, 1261, and to repeal Sections 1098, 1099, 1100, 1114 of the Political Code.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 4, 1899.

To the Senate of the State of California:

I herewith return to your honorable body, without my approval, Senate Bill No. 7—An Act for the relief of John Mullan, and to appropriate money therefor, with my objections thereto.

This bill appropriates the sum of \$45,616 30 out of any money in the State Treasury not otherwise appropriated, for the relief of John Mullan, for alleged services incollecting from the United States the sum of \$228,081 51, and authorizes the payment of the same, the Act itself to take effect January 1, 1900.

The greater amount of this claim arises out of the supposed services as an alleged authorized agent of this State, in the collection of money due this State by the United States, from what is known as the "Direct War Tax" claims, under the Act of Congress approved August 5, 1861.

By this Act of Congress a direct tax of \$20,000,000 was ordered to be annually laid upon the United States, and apportioned, respectively, to the several States. The amount apportioned to the State of California by said Act was \$254,538 66 $\frac{2}{3}$. For the purpose of collecting this tax, authority was given the President of the United States to divide the different States and Territories and the District of Columbia into convenient assessment districts, and assessors and collectors were directed to be appointed by the President, with the advice of the Senate, for the several districts. The said direct tax was assessed and laid on the value of all lands and lots of ground, with their improvements and dwelling houses, which several articles subject to taxation were enumerated and valued by the respective assessors at the rate each of them was worth in money on the first day of April, 1862. Property belonging to the United States and to the States, such as was exempted by the laws of the State wherein the property was situated, was exempted from the direct tax, and such property belonging to any individual actually residing thereon as was worth the sum of \$500.

By the fifty-third section of the Act, any State or Territory was entitled to collect and pay into the United States treasury its quota of the direct tax in its own way through its own officers, assessors and collectors, and upon so doing such State or Territory was entitled to a deduction of fifteen per centum on the quota of direct tax apportioned to such State or Territory, with the proviso that such deduction should only apply to such part of the direct tax as was actually paid into the United States treasury on or before the last day of June in the year to which such payment related, and a deduction of ten per cent to such part as should have been actually paid into the United States treasury on or before the last day of September in the year to which the payment related, the year being regarded as commencing April first.

Under this Act of Congress, California availed herself of the provisions, collected through her own officers and paid into the treasury of the United States the sum of \$247,445 41, leaving a balance due the United States of \$7,093 26.

By an Act of Congress approved June 27, 1882, the Secretary of the Treasury was authorized to examine and report to Congress the amount of all claims of certain States and Territories, including California, for money expended and indebtedness incurred in the suppression of Indian hostilities.

Thereafter, December 12, 1882, in reply to the application of Mr. John Mullan, Governor Perkins wrote to Mr. Mullan a letter, in substance directing him to act as State Agent, and leaving the matter of his compensation to the discretion of the Legislature.

On March 3, 1883, Assembly Concurrent Resolution No. 20 was adopted, which is in the following language:

"WHEREAS, The Governor and State Surveyor-General of this State have heretofore, respectively, appointed Captain John Mullan, of San Francisco, California, agent and attorney to represent the interests of the State of California before the proper authorities of the United States, at Washington, D. C., in the matter of the claim of this State to the five per cent net proceeds of the sales of the public lands by the United States in this State; and also in the matter of the direct tax levied upon this State by the United States, under the Act of Congress of August 6, 1861; and also of her claim arising during the Modoc War in 1872, and also under the provisions of the Act of Congress of June 27, 1882; therefore, be it

"Resolved by the Assembly of California, the Senate concurring, That the appointments so conferred upon Captain John Mullan by the Governor and Surveyor-General, respectively, are hereby ratified and confirmed, and the Governor of this State be and he is hereby authorized and directed to fix the compensation for the services by Captain John Mullan heretofore and that may be by him hereafter rendered, at twenty per cent of each of the sums or claims that may be by him collected from the United States, and of

pay to him such per cent out of the moneys that may be collected by him and paid to this State on account of each of the foregoing matters, respectively; *provided, however*, that this State shall not in any event become liable for any expenses, fees, and salaries of any nature whatever, other than such contingent commission.

"Sec. 2. That the Controller of the State of California be and he is hereby authorized to deliver to Captain John Mullan, or to his authorized agent, all the original vouchers, certificates, and papers of every kind and nature against the Government of the United States, for or on account of each of the foregoing matters, respectively.

"Sec. 3. That said Controller shall prepare and take from Captain John Mullan, or from his authorized agent, a receipt in writing, bound in a book, same as he keeps in his office for all such papers as aforesaid, and which shall show what the papers are in each case, the date thereof, by what Board of Examiners passed, the amount and date of the warrant, and in whose favor drawn."

By this concurrent resolution Mr. Mullan was authorized (if the resolution had been legal, which it was not) to receive twenty per cent out of all moneys "collected by him and paid to the State."

Subsequently, by an Act of Congress approved July 7, 1884 (23 U. S. Stats. at Large p. 239), \$42,151 17 was appropriated to enable the Secretary of the Treasury to pay to the States of California, Oregon, and Nevada, respectively, fifteen per cent of the amount of their quota of the direct tax of 1861, on account of the proper costs for assuming the collection of the same. It was adjudged by the United States Treasury Department that the amount due to the State of California from the United States for the fifteen per cent rebate was the sum of \$38,180 89, and to this was added the sum of \$495 72 on account of the State's expenditures in the suppression of the Modoc hostilities—making a total due the State of \$38,676 52. From this amount found due, there was deducted on September 13, 1884, the sum of \$7,093 26, the balance of California's quota of the direct war tax remaining unpaid, and a Treasury warrant for the net sum of \$31,583 26 was handed by the United States Treasury officers to Mr. Mullan as the agent of this State.

On the 29th day of September, 1884, Mr. Mullan handed said warrant to Governor Stoneman, who, without any legal authority, paid Mr. Mullan the sum of \$7,735 30, an estimated commission upon the sum of \$38,676 52, and not upon the sum of \$31,583 26, the amount actually collected from the United States, and paid to the State. This gave Mr. Mullan an excess in commissions over that specified in the legislative concurrent resolution of 1883 of \$1,418 95.

The following is the receipt given by Mr. Mullan to Governor Stoneman:

"SAN FRANCISCO, Sept. 29, 1884.

"Received of George Stoneman, Governor of the State of California, the sum of seven thousand seven hundred and thirty-five and 30-100 (\$7,735 30) dollars, being the twenty per cent due me on the sum of thirty-eight thousand six hundred and seventy-six and 52-100 (\$38,676 52) dollars collected by me for the State of California from the United States. Said sum of \$7,735 30 being paid me by the Governor of the State under a resolution of the Legislature of the State of California, adopted March 3, 1883.

"JOHN MULLAN, State Agent for California."

Amount credited to State account January 6, 1883.....	\$495 72	
Amount credited to State July 23, 1884.....	6,597 54	
Amount of treasury warrant September 13, 1884.....	31,583 26	
		\$38,676 52
Treasury warrant.....	\$31,583 26	
Paid Mullan 20 per cent on \$38,676 52.....	7,735 30	
		\$23,847 96

Paid into State treasury.....

Thereafter, under the alleged authority implied by the concurrent resolution of 1883, the appointment by Governor Perkins, and the subsequent ratification by Governor Stoneman, Mr. Mullan continued to act as the agent of this State at Washington. On February 10, 1888, Governor Waterman addressed and mailed to Mr. Mullan the following letter, revoking all of Mr. Mullan's appointments and powers, a copy of which will be found in his message to the Legislature January 7, 1889, and is as follows:

"EXECUTIVE OFFICE, SACRAMENTO, February 10, 1888.

"CAPTAIN JOHN MULLAN, Washington, D. C.:

"Referring to my telegrams of the 3d and 6th, respectively, and after due and careful consideration of the matters therein referred to, I am convinced that certain appointments as agent and attorney to represent the State in Washington, made to you by the Governor and State Surveyor-General, and which you endeavored to have ratified and confirmed, with a commission of twenty per cent fixed as your fee, by concurrent resolutions of March 3, 1883, and March 3, 1885, should be and are hereby most emphatically revoked.

"This revocation applies specially to the appointment by Surveyor-General Minis, November 1, 1878, in the matter of the five per cent claim, aggregating nearly \$1,000,000.

"To the appointment of Governor George C. Perkins, December 12, 1882, in the matter of 'Direct Tax' of August 5, 1861, aggregating over \$200,000; also that of March 7, 1882, in the matter of the 'Modoc War Claims'; also that of July 12, 1882, being 'Claim for money expended and indebtedness assumed in repelling invasions and Indian hostilities.

ties,' together with interest on the same; also claims under the provisions of the Act of Congress of June 27, 1882, known as the 'Rebellion Claims,' aggregating \$2,968,623.

"To the appointment of Governor George Stoneman, March 31, 1884, in the matter of 'Claims of the State of California growing out of Indian hostilities,' and in the matter of all moneys that have been paid in or may be due by the State of California on account of Indian War claims, or Indian War bonds, or coupons issued by the State for the purpose of recovering from the United States the payment of the whole of these, together with the interest due on the same, aggregating several hundred thousand dollars.

"To the appointment of Surveyor-General Willey, October 24, 1883, and December 1, 1885, in the matter of 'refunding certain fees' and 'indemnity for certain swamp lands' therein mentioned.

"The appointments above enumerated, when taken in connection with the appointments named and attempts to be confirmed in the concurrent resolutions of March 3, 1883, and March 3, 1885, are vague, indefinite, and uncertain, and that there may be no mistake, I hereby revoke all appointments held by you from the Governor or State Surveyor-General, of whatever kind or nature, or named in said concurrent resolutions.

"R. W. WATERMAN, Governor."

Governor Waterman, in the said message, after giving a résumé of the appointment and services of Mr. Mullan, adds: "My action in revoking these appointments has been governed by a determination to save to the State the large sum of money attempted to be given to Captain John Mullan for alleged services, which are without a pretense of necessity, for the reason that the matter of these claims is one purely of legislation and for the favorable action of our Senators and Members of Congress."

Notwithstanding this specific notice of the withdrawal by the Governor of Mr. Mullan's supposed authority to act for the State, Mr. Mullan chose to disregard this notice, and continued to act.

On March 2, 1891, an Act of Congress, originally introduced by Senator Morrill, was approved, which Act is entitled "An Act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the Act of Congress approved August 5, 1861." As many of the Senators and Representatives had been unfavorably impressed by the activity of various claim agents representing several of the States, and doubts were raised as to the regularity of their several appointments, two provisions were inserted in the Act as conditions for the repayment of the sums paid by the several States, Territories, and District of Columbia under the direct tax of 1861. These provisions are as follows:

"But no money shall be paid to any State or Territory until the Legislature thereof shall have accepted by resolution the sum herein appropriated, and the trusts imposed, in full satisfaction of all claims against the United States on account of the levy and collection of said tax, and shall have authorized the Governor to receive said money for the use and purposes aforesaid. * * * And further provided, That no part of the money hereby appropriated shall be paid out by the Governor of any State or Territory, or any other person, to any attorney or agent under any contract for services now existing or heretofore made between the representative of any State or Territory and any attorney or agent."

Pursuant to the requirements of said Act of Congress of March 2, 1891, the Legislature of this State on March 25, 1891, adopted Senate Concurrent Resolution No. 9, accepting the conditions imposed by the said Act of Congress. Said resolution is as follows:

"Resolved by the Senate, the Assembly concurring, That the State of California does hereby accept the sum appropriated and the trust imposed by an Act of Congress entitled 'An Act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the Act of Congress, approved August 5, A. D. 1861,' in full satisfaction of claims against the United States on account of the levy and collection of said tax, and does hereby authorize the Governor to receive the said money for the use and purposes aforesaid, and receipt therefor; and said money, when so received, shall be by the Governor paid into the State Treasury, and shall be credited to the General Fund.

"Resolved, That His Excellency the Governor be requested to furnish to the honorable the Secretary of the Treasury of the United States a copy of these resolutions, duly certified and attested by the Secretary of State under the Great Seal of the State of California."

Thereafter, the Acting Controller of the Treasury Department at Washington directed to Governor Markham a letter of date April 22, 1891, which is as follows:

"SIR: I have the honor to state that the account of the State of California for the refund of the direct war tax paid to the United States under Act of August 5, 1861, has been adjusted as follows:

Amount of direct war tax paid.....	\$247,941 13
Amount refunded to the Governor of the State under Act of July 7, 1884	31,583 26
Leaving due to the State	\$216,357 87
Amount suspended	8,110 98
Balance	\$208,246 89

"The amount suspended, viz.: \$8,110 98, is a charge standing on the books of the War Department against the State of California for arms overdrawn by the State under Section 1661, U. S. Rev. Statutes, prior to February 12, 1867.

"The said amount is withheld under the opinion of the Second Controller, pending the determination of the question as to the liability of the State for the value of the arms overdrawn. A draft for \$208,246 89 will be remitted to you by the U. S. Treasurer. Please acknowledge the receipt of the draft to this office.

"Very respectfully,

"I. R. GARRISON, Acting Controller."

Thereafter, on May 6, 1891, Governor Markham received direct from the U. S. Treasury Department a draft for the said sum of \$208,246 89, and the same was deposited with the State Controller on May 7, 1891.

Thereafter, on April 4, 1893, Governor Markham received direct from the U. S. Treasury Department a draft for the sum of \$8,110 98, being the balance previously withheld, and said draft was on April 4, 1893, deposited with the Controller.

Inasmuch as Mr. Mullan now claims the credit and benefit of these collections under the concurrent resolution of 1883, the appointment of Governor Perkins and the ratification of Governor Stoneman, it becomes important to ascertain whether Mr. Mullan was ever legally appointed as such agent.

This question has been finally determined and adjudicated by the Supreme Court of this State in a suit by the claimant here against the State, upon the same commissions for collecting moneys due the State on the direct war tax claims. The case is entitled *John Mullan vs. The State of California*, and is reported in Volume 114 of the California Reports, on page 578, *et seq.* The Court there held that the action of the Governor and of the Legislature did not constitute the enactment of a "law" within the purview of the Constitution, and that these proceedings did not form a competent basis for a contract with the State. It was further held that a mere resolution of the Legislature could not supply the place of a law within the meaning of the Constitution; that the State was not bound by such actions on the part of the Governor and Legislature, that there was no estoppel against the State; and that a person "dealing with public officers is charged with the knowledge of and is bound at his peril to ascertain the extent of their powers to bind the State for which they seem to act, and if they exceed their authority the State is not bound thereby to any extent."

This decision upon the merits of Mr. Mullan's claims adjudges that his alleged contract to act for the State is wholly void.

In the face, therefore, of this decision of our highest tribunal upon the very foundation of Mr. Mullan's claims now presented, and further considering the conditions expressed in the Act of Congress of March 2, 1891, prohibiting the Governor of the State from paying any part of the money so received from the United States to any agent under any contract made between such agent and the representative of the State, I find that my duty compels me to manifest my disapproval of the bill which has received the sanction of your honorable body.

HENRY T. GAGE,
Governor of the State of California.

The above communication from the Governor was referred to the Committee on Executive Communications and Nominations.

WITHDRAWAL OF BILLS.

Senator Flint asked for and was granted unanimous consent to withdraw Senate Bill No. 212—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner, from June 1, 1873, to April 1, 1874, amounting to \$2,000, approved by the State Board of Examiners, and appropriating money to pay the same.

Also: Senate Bill No. 720—An Act to authorize and permit the use of the Great Seal of the State of California and such other appropriate designs pertaining to the State by the order of the Native Sons of the Golden West, a patriotic order, created and existing under the laws of California, in making of medals to be presented by and under the auspices of said order to the officers and members of the United States volunteer troops from California, who have been in active service in the late war with Spain.

Also: Senate Bill No. 370—An Act to create the office of Expert for the State of California.

Senate Bills Nos. 212, 720, and 370 withdrawn and ordered stricken from the file.

MOTION.

Senator Laird moved that Senate Bill No. 510 be taken up and considered.

So ordered.

Senate Bill No. 510—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced.

Read second time, and ordered to engrossment.

BILL RECALLED FROM ENGROSSMENT.

On motion of Senator Dickinson, Senate Bill No. 349—An Act to amend Sections 1912, 1913, 1914, 1917, 1920, 1922, 1934, 1936, 1939, 1940, 1941, 1943, 1951, 1952, 1954, 1955, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1990, 1991, 1992, 1993, 2003, 2004, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2094; to repeal Sections 1902, 1918, 1923, 1927, 1929, 1937, 1938, 1969, 2003, as approved April 1, 1897, 2054, 2055, 2056, 2057, 2058, 2064, 2065, 2066, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2099, 2105, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, and to add new sections, to be known and numbered as Sections 1959a, 1977, 1978, 1987, 1988, 1989, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2038a, 3033, 3034, and 1967a, all of and to the Political Code of the State of California, relating to the National Guard—was recalled from engrossment for purpose of further amendments thereto being considered.

Senate Bill No. 349 returned to Secretary's desk and ordered on second-reading file.

Senator Dickinson moved that the Senate forthwith consider Senate Bill No. 349.

Motion carried.

The bill, not as yet having been engrossed, was open to amendment on second reading.

The following amendments to the bill were offered by Senator Dickinson:

Amend by changing the number of the following Sections 3, 4, 5, 6, etc., to 25½ inclusive, to 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, on pages 2, 3, etc.

Amendment adopted.

Amend by inserting after the words "sixty-seven a" the words "and to read," in line 3, Section 27½, page 16, printed bill.

Amendment adopted.

Amend by inserting after the words "eighteen hundred dollars" the words "per annum," in line 64, Section 40, page 27, printed bill.

Amendment adopted.

Amend by inserting after the word "numbered" the word "section," in line 2, Section 93, page 53, printed bill.

Amendment adopted.

Amend by inserting after the word "numbered" the word "section," in line 2, Section 94, page 56, printed bill.

Amendment adopted.

Amend by inserting the word "section" after the word "numbered," in line 2, Section 95, page 57, printed bill.

Amendment adopted.

Amend by inserting the word "section" after the word "numbered," in line 2, Section 96, page 57, printed bill.

Amendment adopted.

Amend by inserting "quartermaster and subsistence stores" after the word "uniforms," and making necessary change in punctuation in line 56, Section 100, page 61, printed bill.

Amendment adopted.

Amend by inserting after Section 142, page 65, printed bill, another section as follows: "Sec. 143. This Act shall take effect immediately."

Amendment adopted.

Bill ordered to print and engrossment.

MOTION.

Senator Boyce moved that Senate Bill No. 4—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as the Commissioners for the Revision and Reform of the Law, and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor"—be made a special order for Wednesday, March 8, 1899, immediately after reading of the Journal.

There being objection, the roll was called, with the following result:

AYES—Senators Boyce, Brauhart, Burnett, Flint, Hall, Hoey, La Rue, Luchsinger, Morehouse, Nutt, Rowell, Sims, Taylor, and Trout—14.

NOES—Senators Davis, Dickinson, Jones, Laird, and Wolfe—5.

ADJOURNMENT.

Whereupon the President pro tem. declared there was no quorum present and voting, and thereupon declared the Senate adjourned until Monday, March 6, 1899, at nine o'clock and thirty minutes A. M.

IN SENATE.

SENATE CHAMBER,
Monday, March 6, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Burnett, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Nutt, Rowell, Sims, Stratton, Taylor, and Trout—22.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, March 4, 1899, was read.

The Journal of Thursday, March 2, 1899, was approved.

SPECIAL ORDERS RESET.

The special order heretofore set for this hour, being the consideration of Senate Bill No. 308—An Act to establish a uniform system of county and township governments—was postponed until Tuesday, March 7, immediately after reading of the Journal, and made a special order for that hour, on motion of Senator Dickinson.

On motion of Senator Boyce, the consideration of Senate Bill No. 4—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as the Commissioners for the Revision and Reform of the Law, and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer thereof, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor"—was made a special order for Thursday, March 9, 1899, immediately after reading of the Journal.

On motion of Senator Dickinson, the consideration of Assembly Bill No. 831—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race track, enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance of, by, or between men, animals, or machines shall be had and occur, and upon the days when such trials or contests actually occur or are had; and to provide a punishment for the violation of this Act.

Also: Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

Heretofore set as special orders for this hour, were postponed and made special orders for Tuesday, March 7, 1899, to follow in order other special orders immediately after reading of the Journal.

BILL ORDERED ON SENATE SPECIAL FILE.

On motion of Senator Laird, Senate Bill No. 198—An Act authorizing the Secretary of State to appoint a clerk in addition to the number now allowed by law, and to be known as Janitor's Clerk, and

providing for the payment of his salary for the remainder of the fiftieth fiscal year—was ordered on the Senate special file.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENTS.

On motion of Senator Dickinson, Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18 were taken up for consideration.

Senate Constitutional Amendment No. 1.—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 16, 17, 18, 21, and 23 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

During the reading of Senate Constitutional Amendment No. 1, the following substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18 was offered by Senator Dickinson:

SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENTS NOS. 1, 2, 12, 13, AND 18.

To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, and 23, and repealing Section 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

The Legislature of the State of California, at its regular session commencing on the second day of January, eighteen hundred and ninety-seven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that sections one, two, three, four, ten, twelve, fourteen, sixteen, seventeen, eighteen, twenty-one, and twenty-three of article six of the Constitution of said State be amended so as to read as follows:

ARTICLE VI.

Judicial Department.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a Court of Impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices; *provided*, that the Chief Justice and the Associate Justices in office at the time of the adoption of the amendment shall continue in office and constitute the court until the expiration of their respective terms of office; *and provided further*, that at the expiration of the term of office of the two Justices having at the time of the adoption of this amendment the shortest terms to serve, their office shall be abolished.

The Supreme Court shall hold all of its sessions at San Francisco. There shall be three regular sessions each year, beginning on the second Monday in January, May, and September. Special sessions may be held at any time, on the order of the Chief Justice, or of three Associate Justices.

The decisions of the Court shall be given in writing, and the grounds of the decision shall be stated.

The Chief Justice and the Justices of the Supreme Court shall be elected by the qualified electors of the State at large, at the general State elections, at the times and places at which State officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election.

If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy, which election shall take place at the next succeeding general election at which State officers are elected, and the Justice so elected shall hold the office for the remainder of the unexpired term.

The Supreme Court shall have appellate jurisdiction direct from the Superior Courts in every case, proceeding or special proceeding where is necessarily drawn in question the validity of a statute, or of an authority exercised under the United States; or where is necessarily drawn in question the validity of the Constitution or any statute of or authority exercised under this State on the ground of being repugnant to the Constitution of this State; or where is necessarily drawn in question any title, right, privilege, power, authority or immunity claimed to exist under the Constitution of this State or the Constitution or laws of the United States; or where is necessarily drawn in question the legality of any tax, impost or assessment; in all proceedings in exercise of the right of eminent domain; in actions or proceedings for usurpation or intrusion into, or unlawful holding of, a public franchise; also, in all criminal cases (on questions of law alone) in which the judgment shall be death or imprisonment for

life, and also in all cases in which the fact of the adoption by a city, or a city and county, of a charter for its own government, or the validity of the same, or any part thereof, or of any authority exercised thereunder, is drawn in question. It shall also have appellate jurisdiction in every case, proceeding or special proceeding determined by any District Court of Appeal the record in which may, by order pursuant to the further provisions on these subjects hereinafter contained in this article, be directed to be transmitted to it. It shall also have jurisdiction in every case, proceeding and special proceeding which shall actually have been submitted to it for decision before the organization of the District Courts of Appeal established by this article, and of every pending case which shall not be transferable to the District Courts of Appeal as hereinafter provided, and of all cases on appeal to it when the District Courts of Appeal provided for herein shall be organized, and which cases it shall not transfer to said District Courts of Appeal as hereinafter provided for. And in all cases in which the Supreme Court shall acquire jurisdiction, it shall have further jurisdiction to decide all questions properly presented on the record, whether or not they be such as of themselves would entitle the Court to take jurisdiction of the case.

The Supreme Court shall also have such other appellate and original jurisdiction as is herein given it.

Sec. 3. The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal, consisting of three Justices. There shall be four regular sessions each year, commencing on the second Monday in February, May, August, and November, of each District Court of Appeal. Special sessions may be held at any time, upon the order of the Court.

The First Appellate Court shall embrace the following counties:

The official designation of the District Court of Appeal in this district shall be "The Court of Appeal of the State of California, in and for the First District," and it shall hold its sessions at the City and County of San Francisco.

The Second Appellate District shall embrace all the following named counties in the State:

The official designation of the District Court of Appeal for this district shall be "The Court of Appeal of the State of California, in and for the Second District," and the court shall hold its sessions at the City of Los Angeles.

The Third Appellate District shall embrace the following named counties: -----

The official designation of the District Court of Appeal of this district shall be "The Court of Appeal of the State of California, in and for the Third District," and the court shall hold its sessions at the City of Sacramento.

The Legislature may remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts, at the general State elections, at the times and places at which State officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding the election; *provided*, that on or before the first day of January, after this amendment takes effect, the Governor shall appoint three Justices for each District Court of Appeal, to hold office until qualification of Justices to be elected at the next succeeding general election. The Justices of each District Court of Appeals so elected at the first election shall, at their first meeting, so classify themselves by lot that one of them shall go out of office at the end of four years, another at the end of eight years, and the third to hold office for the full term of twelve years; and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State.

If a vacancy occur in the office of a Justice of the District Court of Appeal, the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy, which election shall take place at the next succeeding general election at which State officers are elected, and the Justice so elected shall hold the office for the remainder of the unexpired term.

The Justices of each of the District Courts of Appeal shall elect one of their number as a Presiding Justice; the presence of two Justices shall be necessary for the transaction of any business by such court, and the concurrence of two Justices shall be necessary to pronounce a judgment.

The District Courts of Appeal shall have appellate jurisdiction in their respective districts in all cases of appeal provided by law from the Superior Courts, except those in which the appeal is to be taken direct to the Supreme Court, as hereinbefore provided.

The judgments and decrees of the District Courts of Appeal shall be final in all cases embraced within their appellate jurisdiction, except in the following cases:

First.—In any case decided by a District Court of Appeal, if the decision of such Court of Appeal conflicts with a previous decision of the Supreme Court, or of another District Court of Appeal, the Supreme Court shall, upon petition to be filed within thirty days after entry of judgment in the District Court of Appeal, order the case to be heard by the Supreme Court, and thereupon the record in the case shall be transmitted to the Supreme Court, which shall hear and determine the same.

Second.—In any case pending before or decided by a District Court of Appeal, it shall be competent for the Supreme Court, in its discretion, to require by certiorari or otherwise any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

The Supreme Court throughout the State, and the District Courts of Appeal within their respective districts, shall have the power to issue writs of mandamus, certiorari, prohibition, habeas corpus, and all other writs necessary or proper to the complete exercise of appellate jurisdiction. Upon petition by, or on behalf of, any person held in actual custody, each of the Justices of the Supreme Court shall have power to issue writs of habeas corpus to any part of the State, and each of the Justices of the District Courts of Appeal shall have power to issue writs of habeas corpus to any part of the appellate district within which he sits; and any such writ may be made returnable before the Justice who issues it, or the court of which he is a member, or any Justice thereof, or before any lower court of record, or any Justice or Judge thereof.

Sec. 4. The Supreme Court may, upon the organization of the District Courts of Appeal, transfer to them, respectively, any cases then pending in the Supreme Court and which have not been heard, as are within the class of cases over which such District Courts have appellate jurisdiction; and upon such transfer the District Courts of Appeal shall have full jurisdiction to hear and determine such cases so transferred. Unless oral argument be waived by the parties with the consent of the Court, every cause and matter in the Supreme Court, and in any District Court of Appeal (except such applications as may be made *ex parte*), shall be orally argued by the parties or their counsel in open court; but this shall not prevent the courts from requiring that the points to be argued and considered, together with a list of authorities to sustain such points, shall be printed and filed before a cause is taken up for argument. After twenty causes or matters shall have been submitted for decision, no other cause or matter (except *ex parte* applications) shall be taken up or heard until each and every one of said twenty causes and matters shall have been disposed of. In the determination of causes, all decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing and the grounds of the decision shall be stated. A remittitur or mandate must issue on every judgment of either of said courts on or before the expiration of thirty days after the rendition thereof.

Sec. 10. Justices of the Supreme Court, of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature, adopted by a two-thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate, on the recommendation of the Governor, but no removal shall be made by virtue of this section unless the cause thereof be entered on the Journal, nor unless the party complained of has been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the Journal.

Sec. 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record.

Sec. 14. The County Clerks shall be *ex officio* clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

Sec. 16. The Legislature shall provide for the speedy and uniform publication of such opinions of the Supreme Court and of the District Courts of Appeal as may be ordered by said courts, respectively, and all such opinions shall be free for publication by any person.

Sec. 17. The Justices of the Supreme Court, of the District Courts of Appeal, and the Judges of the Superior Courts shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State, and the other half thereof shall be paid by the county for which he is elected. Unless otherwise changed by the Legislature, the annual salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be six thousand dollars each. Unless otherwise changed by the Legislature, the Judges of the Superior Court shall receive an annual salary as now provided by law.

Sec. 18. The Justices of the Supreme Court, of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employ-

ment than a judicial office or employment during the term for which they shall have been elected.

SEC. 21. The Supreme Court shall appoint a clerk of that court, but the present clerk of the court shall hold office until the expiration of his term of office, a phonographic reporter, and a bailiff, who shall severally hold his office and be removable at the pleasure of the court. Each District Court of Appeal shall appoint a clerk, phonographic reporter, and bailiff, who shall severally hold his office and be removable at the pleasure of the court by which he is appointed. The Supreme Court shall appoint a reporter of decisions, who shall appoint an assistant reporter for each of the District Courts of Appeal. All of said officers shall hold office and be removable at the pleasure of the Supreme Court. The decisions of the District Courts of Appeal shall be published in the same volumes with the opinions of the Supreme Court, under the same general title of California Reports; and all statutes in relation to the publication of the opinions of the Supreme Court shall be deemed to apply to the publication of the decisions of the District Courts of Appeal.

SEC. 23. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

SEC. 24. Section twenty-four is hereby repealed.

Substitute read.

Senator Dickinson thereupon offered the following amendments:

Amend by striking out the words "ninety-seven," in title, and inserting "ninety-nine."

Amendment adopted.

Also: Amend by striking out all after "States," in line 32, page 1, printed bill, down to the semicolon in line 35 of same page, and inserting the following: "or where is necessarily drawn in question the construction of any provision of this Constitution, or of any right or authority exercised thereunder, or the validity of any statute or law of this State which is claimed to be repugnant to this Constitution."

Amendment adopted.

Also: Amend by striking out the words after the word "provide" on page 3, line 58, down to and including "for," in line 61, same page.

Amendment adopted.

Also: Amend by striking out of Section 3, line 8, the word "court," and inserting the word "district."

Amendment adopted.

Also: Amend by inserting in Section 3, line 9, the names "San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito."

Amendment adopted.

Also: Amend by inserting in Section 3, line 19, the names "Fresno, Tulare, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego."

Amendment adopted.

Also: Amend by inserting in Section 3, line 29, the names "Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, Mono, Mariposa, Madera, Merced, and Kings."

Amendment adopted.

Also: Amend by adding all of Section 4 after the period in line 7, page 6, to Section 3, on same page, as a paragraph thereof.

Amendment adopted.

Also: Amend by striking out of Section 4, line 16, the word "twenty," and inserting the word "fifty."

Amendment adopted.

Committee Substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18 adopted as amended, and ordered to print and engrossment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 188—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered "2039," concerning the manner in and the time within which certain objections to depositions shall be made.

Also: Assembly Bill No. 478—An Act regulating the cancellation of fire insurance policies, and providing penalties for refusing to cancel the same.

Also: Assembly Bill No. 596—An Act to amend Section 3640 of the Political Code of the State of California, relating to Assessors' field enrollment book.

Also: Assembly Bill No. 482—An Act to amend Section 2955 of the Civil Code of the State of California.

Also: Assembly Bill No. 745—An Act to abolish the office of Quarantine Officer for the Board of Health for the City and County of San Francisco.

Also: Assembly Bill No. 831—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance of, by, or between men, animals, or machines, or upon chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except where said pools are sold, or said bookmaking is carried on, etc.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 58—An Act to amend Section 3546 and Section 3547 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

Also: Assembly Bill No. 150—An Act to amend Section 1 of an Act of the Legislature of the State of California entitled "An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 27, 1897.

Also: Assembly Bill No. 359—An Act to amend Section 473 of the Code of Civil Procedure of the State of California, relating to relief from judgments, orders, or proceedings.

Also: Assembly Bill No. 384—An Act relating to "grub-stake contracts."

Also: Assembly Bill No. 593—An Act to amend Section 1395 of the Code of Civil Procedure.

Also: Assembly Bill No. 870—An Act to amend Section 676 of the Political Code, relating to the counting of money in the State Treasury, and making the breaking or any interference with any seal affixed on any safe or inner vault in the vault of the State Treasury, a felony.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 789—An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American war of 1898, their privileges and exemptions, and the legalizing of orders and acts regarding the reorganization of the National Guard of the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Forestry, Fish, and Game.

GILLETTE, Chairman.

Assembly Bills Nos. 188, 478, 596, 482, 745, 831, 58, 150, 359, 384, 593, 870, and 789 ordered on special file for Assembly bills for second reading.

Assembly Bill No. 365 referred to Committee on Forestry, Fish, and Game.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision have had the following under consideration, and advise the adoption of the same:

"Resolved, That when any Senator is absent during the making up of any special file, he shall have a right thereafter to place a bill upon such file."

BETTMAN, Chairman

The question being on the adoption of the resolution.

The same was put and adopted.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day is in receipt of the following cablegram:

"MANILA, March 4, 1899.

"KYLE, Sacramento, Cal.: Heartfelt thanks.

"DEWEY."

C. W. KYLE, Chief Clerk.

Senator Bettman moved that messages from the Governor be taken up.
Motion carried.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 6, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 362—An Act to establish a camp of instruction for the National Guard of the State of California, and to authorize the acquisition by donation of a site for the same.

Also: Senate Bill No. 444—An Act in relation to municipal elections, where the same are held separate from general State elections and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote on proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 6, 1899. }

To the Senate of the State of California:

I herewith return to your honorable body, without my approval, together with my objections thereto, Senate Bill No. 59—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

This Act makes the violation of any of its provisions a crime, which is punishable by fine or imprisonment, and "such imprisonment to be at the discretion of the court," etc.

Section 1, among other things, makes it unlawful to manufacture any article of food from cows "affected with Texas fever," and also prohibits the vending of milk from such animals, etc.

Were this bill to become operative, Section 1 thereof would needlessly preclude the milking of many large herds of dairy cows within this State. There are several sections of this State, containing hundreds of square miles of territory in extent, where nearly all the milch cows are infected with "Texas fever," and which fact is unknown to the owners of such animals. And the proprietors of these cattle are themselves to-day urging the passage of this law—which would mean their own financial ruin.

I am constrained to remark that there are very many dairymen who do not understand what is meant by the term "Texas fever."

Many of the herds of cattle within this State infected with this disease, and capable of transmitting it under favorable circumstances to other susceptible cattle, are themselves immune to it, and consequently show no symptoms of the disease whatever.

The micro-organism which causes the disease lives in a dormant or inactive state in the red blood corpuscles of the infectious southern animal, and is transmitted to the susceptible animal by means of a southern tick.

I find the following view expressed in that valuable book, Bulletin No. 37 of the Agricultural Experiment Station, and the Missouri State Board of Agriculture, in cooperation with the Texas Agricultural Experiment Station, page 83:

"The transmission of this micro-organism from southern cattle to native northern cattle in natural outbreaks is effected by a southern cattle tick, and by this means only."

This micro-organism, on entering the system of the susceptible animal, becomes active, and produces the disease known as Texas or splenic fever, by destroying the red corpuscles of the affected animal.

While the infected southern animal is capable, under favorable circumstances, of

transmitting this disease, and is itself infected with the micro-organism, it has been fully demonstrated by the United States Department of Agriculture, and by the Health Commissioners of numerous States, that the product from, and the flesh of, such animals are perfectly wholesome food.

I find in *Special Report on Diseases of Cattle and Cattle Feeding*, 1892, in House Miscellaneous Documents, second session, fifty-third Congress, 1892-93 Vol. 16, at pages 428-29, that this disease known as "Texas fever" is one from which immunity is acquired, and therefore calves which recover from it are not again attacked as a rule, even after they become adult, and that "these cattle infect others through the medium of ticks, while they themselves are in perfect health."

Such has long been my impression, derived from research and from a considerable experience with livestock of my own; and upon conversing with Doctor Blummer, of the Department of Agriculture for the United States, I am assured that these views are correct.

Further, this bill would make it an offense for any person or corporation to have in his or its possession for sale any article of food derived from cows affected with pleuropneumonia. I am informed by the United States Government officials that contagious pleuropneumonia does not exist within the United States. Therefore if this language "pleuropneumonia" should be incorporated into a California statute, as by this Act intended, the idea would be sent abroad thereby that California cattle were infected with this dreaded disease; and you will readily see that such a law would prejudice the shipment of our cattle abroad, and do vast financial harm to the cattle interests of this State.

Further, this bill would make it unlawful to manufacture food from milk produced from cows affected with "parasites." There are certain seasons of the year when it is well known that cattle lice and parasites get upon entire bands of perfectly healthy cattle.

I am confident that the Legislature did not intend (though the words used in this statute would have that effect) to pass a law so broad as to make it a crime to sell the product of cows thus circumstanced.

By Section 3 of this Act the State Dairy Bureau is given the power to appoint as many agents as in its judgment, not to exceed twenty, may be required to carry out the provisions of this Act, at \$4 a day, exclusive of their actual necessary expenses, or at an expense of \$80 a day. And this enormous expenditure could be permitted every day until the entire \$14,000 would be consumed. Does it not seem that this expenditure would be altogether excessive?

Again, it vests in the board the right to appoint five veterinary surgeons at the compensation of \$8 a day, exclusive of their expenses allowed them. It seems to me that this large outlay is inadvisable, when we reflect upon the fact that each county also makes some provision for such matters.

There is another objection which I only refer to in case the bill should be remodeled, and that is that it would seem the Act ought not to place dairymen selected by the board composed of dairymen, in such absolute control of the execution of the powers and duties prescribed in the Act, many of which duties it would appear to me should be under the scientific supervision of medical men.

And is it not questionable, to say the least, whether this Act does not violate that principle of justice always recognized in the United States, namely: That no man should act as a judge in his own case?

Now, if we place this bill upon our statute books, will it not mean that dairymen are to sit as judges upon all matters practically affecting their own business, and that the consumption of diseased milk by the people is not to be attacked without the consent of the dairymen themselves, and in a manner and to an extent entirely agreeable to themselves?

There does not seem, under this law, to be any special qualifications required of the agents to be appointed by the Dairy Bureau. It would seem that these agents should be scientific experts; otherwise their work may not accomplish the objects apparently intended by the bill.

I fear the bill is so objectionable that it will injure the very business it was intended to benefit; but this subject is of so great importance to the dairy interests of the State in general that a bill on the lines intended to be covered should be framed in accordance with the judgment of men who have both scientific and practical experience in such matters, and when thus prepared, should receive immediate attention at your hands.

HENRY T. GAGE,
Governor of the State of California.

Senator Leavitt moved that the rules be suspended for the purpose of acting upon the Governor's veto, without reference to committee.

The question being on the suspension of the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bettman, Braunhart, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Laird, Langford, La Rue, Leavitt, Luchsinger, Nutt, Rowell, Shortridge, Simpson, Sims, Stratton, Trout, and Wolfe—22.

NOES—Senators Ashe, Boyce, Burnett, and Taylor—4.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Ashe, Bettman, Braunhart, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Laird, La Rue, Leavitt, Luchsinger, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—25.

SUBSTITUTE ORDERED TO PRINT.

Senator Nutt submitted a proposed substitute for Senate Bill No. 24 - An Act to amend Sections 2, 3, 4, 5, 8, 9, and 12, and to repeal Section 11 of an Act entitled "An Act to establish a standard of weights and measures," approved April 6, 1891 - which, on his motion, was ordered to print.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Passed on file, in absence of author.

MOTION.

Senator Leavitt moved to take up Senate special file.

So ordered.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 218—An Act to amend an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, and compelling all banks to publish sworn statements of unclaimed deposits.

Read second time, and ordered to engrossment.

Senate Bill No. 363—An Act to amend Section 2022 of the Political Code of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 363 passed by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Nutt, Prisk, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senator Rowell—1.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Dickinson gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 363 was this day passed.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Curtin:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced after the fiftieth day of the session

without the consent of two thirds of the members of the Legislature, be suspended, and that Senator Curtin be and he is hereby permitted to introduce Senate Joint Resolution No. 22.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 2 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Nutt, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been suspended, the following joint resolution was introduced:

By Senator Curtin:

SENATE JOINT RESOLUTION No. 22.

Relative to the opening of Stanislaus, Mariposa, and Sequoia forest reserves for pasturage.

WHEREAS, Owing to the light rainfall to date in this State in many of the counties in which stock-raising is being carried on there is such a scarcity of water and grass as will result in great loss of stock in said counties; and

WHEREAS, The Stanislaus, Mariposa, and Sequoia forest reserves will afford large amount of pasturage for stock, and without injury to the timber thereon; therefore, be it *Resolved*, That we earnestly request His Excellency the President of the United States, and the Honorable Secretary of the Interior, to permit the owners of cattle, horses, and sheep to pasture the same within said Stanislaus, Mariposa, and Sequoia forest reserves during the year 1899;

Resolved, That a copy of this resolution be by the Secretary of the Senate immediately transmitted by wire to the Hon. Marion De Vries, Washington, D. C.

Resolution read.

The question being on the adoption of Senate Joint Resolution No. 22.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Nutt, Prisk, Rowell, Sims, Stratton, Taylor, and Wolfe—25.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 515—An Act, to provide for the organization and management of livestock insurance companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 515 refused passage by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Leavitt, Stratton, and Taylor—6.

NOES—Senators Bettman, Boyce, Curtin, Dickinson, Doty, Flint, Jones, Laird, La Rue, Luchsinger, Nutt, Rowell, Shortridge, Sims, and Wolfe—15.

MOTION.

Senator Braunhart moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully struck out the enacting clause from Senate Bill No. 446—An Act to provide a system of drainage for agricultural swamp and overflowed lands.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution relative to Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a Sinking Fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—viz:

"Resolved, That the Senate be and it is hereby requested to return to this House Senate Bill No. 54 as printed with the amendments of the free conference committee thereto, in order that the same may be put on final passage in this House as the same is amended."

Also: Adopted Assembly Constitutional Amendment No. 19—Proposing to the people of the State of California an amendment to the Constitution of the State, viz: to amend Section 1 of Article XIII, and to repeal Sections 4 and 5 of Article XIII of the Constitution.

Also: Passed Assembly Bill No. 994—An Act to permit asexualization of the inmates of the State Hospitals and the California Home for the Care and Training of Feeble-Minded Children.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 54, in response to request of the Assembly, ordered returned to that body.

Assembly Constitutional Amendment No. 19 referred to Committee on Judiciary.

Assembly Bill No. 994 read first time, and referred to Committee on Hospitals, Health, and Quarantine.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 358 refused passage by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Davis, Flint, Hoey, Jones, Laird, Leavitt, Morehouse, Nutt, Taylor, and Wolfe—15.

NOES—Senators Curtin, Dickinson, Doty, Gillette, La Rue, Luchsinger, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, and Trout—13.

NOTICE OF MOTION TO RECONSIDER.

Senator Stratton gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 358 was this day refused passage.

Senate Bill No. 311—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government

of municipal corporations," approved March 13, 1883, and all amendments thereto.

Read third time.

Senator Sims moved that further consideration of Senate Bill No. 311 be postponed until three o'clock and thirty minutes p. m. of this day.

So ordered.

RECESS.

At eleven o'clock and fifty-eight minutes a. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Monday, March 6, 1899. }

The hour of twelve o'clock m. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—33.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Crowder, Crowley, Dale, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Henry, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Tuolumne, McKee, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentzer, O'Brien, Pierce, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—74.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Saturday, March 4, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Saturday, March 4, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Burnett, Hoey, Laird, Shortridge, Simpson, and Wolfe—6.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Nutt, and Trout—5.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Curtin, Doty, La Rue, Prisk, and Sims—7.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators	30
W. H. L. Barnes received	7 votes.
D. M. Burns received	6 votes.
U. S. Grant, Jr., received	5 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	7 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Miller of San Francisco, Pierce, Eugene Sullivan, and Wright—16.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, Huber, Le Baron, Marvin, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—18.

For Irving M. Scott—Messrs. Cosper and Dunlap—2.

For Stephen M. White—Messrs. Boone, Caminetti, Feliz, Glenn, Griffin, Hanley, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—15.

For James D. Phelan—Messrs. Burnett, Fairweather, and Hoey—3.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	71
W. H. L. Barnes received	15 votes.
M. M. Estee received	1 vote.
D. M. Burns received	16 votes.
U. S. Grant, Jr., received	18 votes.
Irving M. Scott received	2 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	15 votes.
James D. Phelan received	3 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	101
Necessary to a choice	51
W. H. L. Barnes received	22 votes.
M. M. Estee received	1 vote.
D. M. Burns received	22 votes.
U. S. Grant, Jr., received	23 votes.
Irving M. Scott received	5 votes.
John Rosenfeld received	2 votes.
Stephen M. White received	22 votes.
James D. Phelan received	4 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-four minutes P. M., on motion of Senator Cutter, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Tuesday, March 7, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-eight minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—28.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 480—An Act to amend Section 397 of the Penal Code, relating to the selling of liquor to habitual or common drunkards, minor children, idiots, insane or incompetent persons, and Indians, and relating to minors being allowed to remain in and about saloons and drinking places—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

BOYCE, Chairman.

Assembly Bill No. 480 ordered on special file for Assembly bills for second reading.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Senate Bill No. 477—An Act to regulate the practice of osteopathy in the State of California, and to license osteopaths to practice in this State, and punish persons violating the provisions of this Act.

Also: Senate Bill No. 664—An Act to amend an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, page 32), by adding thereto two new sections, providing for the recovery of damages for any detriment or injury suffered by any person by reason of the enforcement of said Act.

Also: Senate Bill No. 676—An Act to regulate the practice of electro-therapeutics in the State of California.

Also: Senate Bill No. 241—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891, by adding the following section thereto.

Also: Senate Bill No. 693—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891, by defining who and what are practicing pharmacists.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

ROWELL, Chairman.

Senate Bills Nos. 477, 664, 676, 241, and 693 ordered on file for second reading.

RECESS.

At twelve o'clock and thirty-five minutes P. M., the hour of recess having arrived, the President pro tem. declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the result, Senator Leavitt moved a call of the Senate.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bettman, Braunhart, Dickinson, Doty, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Smith, Stratton, and Trout—18.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and ten minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senators Bulla, Hall, and Sims, who were excused for absence from the Senate Chamber, on motion of Senator Leavitt.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and fifteen minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Leavitt.

The President thereupon announced the following as answering to their names:

Senators Bettman, Braunhart, Cutter, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—23.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following:

Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court.

Also: Senate Joint Resolution No. 21—Relative to the mineral land bill.

Also: Senate Joint Resolution No. 18—Relative to Yosemite National Park.

Also: Senate Concurrent Resolution No. 10—Relative to leave of absence for Dr. George I. Drucker.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 6th day of March, 1899, at eleven o'clock and forty-five minutes A. M.

JONES, Chairman.

CONSIDERATION OF SPECIAL FILE FOR ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 438—An Act authorizing women to vote at school elections, and defining the qualifications of such voters.

Passed on file, on motion of Senator Smith.

Assembly Bill No. 583—An Act to amend Section 2651 of the Political Code, relating to the General Road Fund and highway taxes.

Read second time, and ordered to third reading.

Assembly Bill No. 682—An Act to amend Section 2655 of the Political Code, relating to highway taxes.

Passed on file, on motion of Senator Cutter.

Assembly Bill No. 552—An Act placing all companies selling certificates, bonds, or debentures with coupons attached thereto, on the partial payment or installment plan, doing business in this State, under the supervision and control of the State Board of Bank Commissioners.

Read second time, and ordered to third reading.

Assembly Bill No. 13—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor.

Read third time, and passed temporarily on file.

Assembly Bill No. 617—An Act authorizing the Secretary of State to bore a well, furnish and set stand pipes, tanks, filter, and lay pipes in the Capitol grounds, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Dickinson moved a call of the Senate.

Motion carried.

Time, two o'clock and forty-five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Taylor, Trout, and Wolfe--27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and forty-nine minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Smith, who was excused for absence from the Senate Chamber, on motion of Senator Dickinson.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and fifty-three minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Dickinson.

The roll of absentees was called, and the President announced Assembly Bill No. 617 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—22.

NOES—Senators Ashe, Boyce, Bulla, Davis, Jones, and Rowell—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 245—An Act to amend Sections 354, 1489, and 1492 of the Political Code, relating to State Normal Schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 245 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Cutter, Dickinson, Doty, Feeney, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—25.

NOES—Senators Bulla and Davis—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 4—An Act to create an Exempt Firemen's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen.

Read third time.

During the consideration of bill, Senator Bulla moved that the time for consideration of special file of Assembly bills be extended twenty minutes.

So ordered.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Shortridge moved a call of the Senate.

Motion carried.

Time, three o'clock and forty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and forty-five minutes p. m., further proceedings under call of the Senate were dispensed with, on motion of Senator Bettman.

The President thereupon declared Assembly Bill No. 4 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hall, Hoey, La Rue, Leavitt, Luchsinger, Morehouse, Shortridge, Simpson, Taylor, Trout, and Wolfe—22.

NOES—Senators Bulla, Gillette, Jones, Laird, Nutt, Prisk, Rowell, Sims, Smith, and Stratton—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Stratton moved a reconsideration of the vote whereby Assembly Constitutional Amendment No. 14—Amending the Constitution by adding a new section to Article IX, relative to exempting certain property from taxation.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Cutter, Doty, Flint, Gillette, Hall, Hoey, Leavitt, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senator La Rue—1.

MOTION.

Senator Curtin moved to take up messages from the Assembly.

So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

Resolved, That the Senate be and it is hereby requested to return to this house Senate Bill No. 127 for the purpose of correcting Assembly amendments to said bill, and that this resolution be transmitted to the Senate at once."

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 127 ordered returned to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the committee of free conference on Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—and passed the same as amended by the free conference committee, and respectfully ask that the Senate also concur therein.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

The question being on the adoption of the report of the committee of free conference on Senate Bill No. 54.

The roll was called, whereupon the President declared the same adopted, and Senate Bill No. 54 finally passed, as amended, by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Dickinson, Doty, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Senate Bill No. 54 ordered to reëngrossment and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Joint Resolution No. 22—Relative to permitting pasturage in certain forest reserves during the year 1899.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Joint Resolution No. 22?"

Amend by inserting the word "Sierra" after the word "Stanislaus," in the first line of the second "whereas."

The roll was called, and Assembly amendment to Senate Joint Resolution No. 22 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Curtin, Cutter, Dickinson, Doty, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Morehouse, Nutt, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—23.

NOES—None.

Senate Joint Resolution No. 22 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 22—An Act to create the Harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the Harbor of Oakland, to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties, and jurisdiction, fixing their terms, salaries, and their bonds, and providing how vacancies shall be filled; providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collector, and other employes, and providing for the manner of their appointment and defining their duties and fixing their tenure of office; providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board, or employes, a misdemeanor, and providing a penalty of a fine not to exceed \$300, or imprisonment not exceeding one hundred days, as a punishment therefor; and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing punishment therefor of a fine not less than \$100 and not more than \$500, or by imprisonment of not less than thirty nor more than ninety days; and making it a misdemeanor to drive horses, mules, or vehicles upon any wharf, pier, quay, landing, or thoroughfare faster than a walk, and providing a punishment of a fine of not more than \$20, or imprisonment of not more than ten days, and providing that the Police Court of the City of Oakland shall have jurisdiction of such misdemeanors herein provided; and making it a misdemeanor for masters, owners, or consignees of vessels or railroad to refuse or to neglect to deliver to the wharfinger, or other employe of the board, a statement of the quantity of the merchandise intended to be discharged, and making the punishment therefor a fine of not more than \$100, or imprisonment of not more than three months, or both; and making it a misdemeanor for any such person to discharge, or to allow to be discharged, from any such vessel or car any part of its cargo or load, or receive or allow to be received on such vessel or car any such part of its cargo or load, and providing a punishment of a fine not exceeding \$500, or imprisonment not exceeding one hundred days, or by both such fine and imprisonment; and providing that the Attorney-General shall furnish advice to the board when required.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 22?"

Amend by adding a new section, to be known as Section 30½.

"Sec. 30½. Nothing contained in this Act shall be construed to divest the City of Oakland to any title to, interest in, or right to control over said premises, except so far as may be necessary to the exercise by said Board of Harbor Commissioners of the powers hereby conferred upon them."

Also: Amend Section 5, page 8, printed bill, by striking out all after the word "Oakland," line 11, up to and including the word "Alameda," in line 26, and inserting in lieu thereof the following: "Thence southerly along and following said line of ordinary high tide, as it existed previous to artificial filling, to the mouth of the estuary of San Antonio; thence easterly along and following said line of ordinary high tide, as it existed previous to artificial filling, up said estuary to the north arm thereof, the arm extending up to Lake Merritt; thence across said north arm to the line of ordinary high tide, as it existed previous to artificial filling, on the eastern shore of said north arm; thence along and following said line of ordinary high tide, as it existed previous to artificial filling, easterly, southerly, and westerly to the line of ordinary high tide, as it existed previous to artificial filling, along the east shore of the Bay of San Francisco; that is, following said line of ordinary high tide, as it existed previous to artificial filling, up to and around what is commonly known as Brooklyn Basin, and thence down said estuary of San Antonio, on and along the line of ordinary high tide, as it existed previous to artificial filling, on its south shore to its mouth; thence due west to the western boundary line of the County of Alameda."

The roll was called, and Assembly amendments to Senate Bill No. 22 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Feeney, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Sims, Stratton, Taylor, and Trout—25.

NOES—None.

Senate Bill No. 22 ordered to reëngrossment and enrollment.

MOTION.

Senator Boyce moved to take up Assembly Bill No. 440.

So ordered.

Assembly Bill No. 440—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting, by Boards of Supervisors and by the municipal authorities of cities and towns to railroad corporations, of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations, when found necessary, without offering the same for sale, excepting from the operation of this Act any property under the jurisdiction or control of any Board of State Harbor Commissioners.

During the second reading of bill, the following amendments were offered by Senator Stratton:

Amend by striking out of Section 1, line 14, the words "the foregoing chapter, or in this Act," and inserting the words "this chapter."

Amendment adopted.

Also: Amend Section 1, line 17, by inserting after the words "terminal purposes" the following: "on and in front of any land owned by it."

Amendment adopted.

Also: Amend by striking out of Section 1, line 6, the words "any lands," and inserting in lieu thereof the words "or in front of any lands owned by it."

Amendment adopted.

Also: Amend by striking out of Section 1, line 10, the words "or such."

Amendment adopted.

Also: Amend Section 1 by inserting after the words "railroad corporations," in line 10, the words "not exceeding fifty years"

Amendment adopted.

Also: Amend by striking out of Section 1, line 24, the word "Act," and inserting the word "section."

Amendment adopted.

Bill read second time, ordered to print and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Laird:

Resolved, That the Sergeant-at-Arms of the Senate provide the Press Mailing Clerk with \$40 worth of postage stamps, the same being payable out of the fund for the contingent expenses of the Senate; and the Controller is hereby directed to draw his warrant for said sum of \$40 in favor of J. L. Martin, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

SPECIAL ORDER.

The consideration of Senate Bill No. 311, heretofore set as a special order for this hour, was taken up.

Senate Bill No. 311—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto.

The bill having been read third time on this day, the question was on its passage.

The roll was called, and Senate Bill No. 311 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Curtin, Cutter, Davis, Doty, Feeney, Gillette, Hall, Hoey, La Rue, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Smith, Trout, and Wolfe—22.

NOES—Senators Bulla, Burnett, Jones, Laird, Leavitt, Luchsinger, Rowell, and Taylor—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Smith gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 311 was this day passed.

MOTIONS.

Senator Dickinson moved to take up Senate Bill No. 723.

So ordered.

Senate Bill No. 723—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

Read second time, and ordered to engrossment.

Senator Simpson moved to take up Senate Bill No. 620.

So ordered.

Senate Bill No. 620—An Act making an appropriation to pay the claim of John W. Mitchell for legal services.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 620 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Cutter, Dickinson, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Morehouse, Nutt, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—21.

NOES—Senators Boyce, Burnett, Gillette, Luchsinger, Prisk, and Rowell—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FORESTRY, FISH, AND GAME.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your Committee on Forestry, Fish, and Game, to whom was referred Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

LUCHSINGER, Chairman.

Assembly Bill No. 365 ordered on special file for Assembly bills for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 668—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 70—An Act to appropriate \$17,500 for the furnishing of the administration building, and two male wards of the Mendocino State Hospital; for the purchase of an electric plant for lighting the hospital buildings and grounds, and the necessary machinery and appliances therefor, and to construct a building to contain the same; to purchase an ice plant and cold storage system; to make the necessary changes in attics to protect the hospital buildings against fire; to appropriate money therefor, and provide for the expenditure of the same.

Also: Senate Bill No. 86—An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital; said buildings to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital; to appropriate money therefor, and provide for the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended by the committee.

Also: Senate Bill No. 726—An Act making an appropriation to pay the claim of the Weekly New Era, for advertising the constitutional amendments.

Also: Senate Bill No. 727—An Act making an appropriation to pay the claim of the Daily Hanford Journal, for advertising the constitutional amendments.

Also: Senate Bill No. 728—An Act making an appropriation to pay the claim of The County Paper, for advertising the constitutional amendments.

Also: Senate Bill No. 729—An Act making an appropriation to pay the claim of William Thompson & Co., for advertising the constitutional amendments.

Also: Senate Bill No. 730—An Act making an appropriation to pay the claim of E. G. Arnold, for advertising the constitutional amendments.

Have had the same under consideration, and respectfully report the same back, and recommend that the committee substitutes do pass.

DICKINSON, Chairman.

Assembly Bill No. 668 ordered on special file for Assembly bills for second reading.

Senate Bills Nos. 70, 86, 726, 727, 728, 729, and 730 ordered on file for second reading.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Assembly Bill No. 994—An Act to permit asexualization of inmates of the State Hospitals and the California Home for the Care and Training of Feeble-Minded Children—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Chairman.

Assembly Bill No. 994 ordered on special file for Assembly bills for second reading.

RECESS.

At four o'clock and fifty minutes P. M., on motion of Senator Laird, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bettman, Brauhart, Burnett, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Hall, Laird, La Rue, Luchsinger, Morehouse, Pace, Prisk, Rowell, Shortridge, Stratton, Taylor, and Wolfe—21.

Quorum present.

LEAVE OF ABSENCE.

Senator Bulla was granted leave of absence for the evening, on motion of Senator Davis.

Senator Simpson was granted leave of absence for the evening, on motion of Senator Morehouse.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 426—An Act to amend Sections 2520 and 2552 of the Political Code, relating to the Board of State Harbor Commissioners.

During the second reading of bill, the following substitute was offered by Senator Dickinson:

SUBSTITUTE FOR SENATE BILL NO. 426.

An Act to amend Sections 2520, 2521 and 2552 of the Political Code, relating to the Board of State Harbor Commissioners, reestablishing the said board and defining certain of its powers and duties, together with the terms of office and compensation of its officers and appointees.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-five hundred and twenty of the Political Code is hereby amended so as to read as follows:

Section 2520. A Board of State Harbor Commissioners, to consist of five persons, is hereby constituted with such powers and duties as are prescribed by law. Each of said commissioners shall hold office for the term of four years; *provided*, that of those first appointed under this Act, two shall hold office for the term of three and one for the term of four years from the date of their respective commissions and until their successors are appointed and qualified, and the two members of the existing board having the longest terms to serve under their present appointment shall be members of the board hereby created, for the unexpired portions of their respective terms, under and by virtue of their appointment and qualification on the existing board. Upon the expiration of each of the terms of the commissioners last named, his successor shall be appointed and hold office for four years. Such appointment shall be made in all respects as those of other commissioners provided for in this Act. All of said commissioners must thereafter be nominated by the Governor and by and with the consent of the Senate be appointed for four years from the dates of their respective commissions, and until their successors are qualified. If the term of office of any commissioner expire during the recess of the Senate, the Governor must grant a commission to his successor, which shall be valid to

all intents and purposes, subject, however, to the consent of the Senate at its next regular session. If a vacancy occur from any cause in the office of a commissioner before the expiration of his term, his successor must be appointed and hold office only for the unexpired portion of such term. In case the Senate during its session fail to act on, or refuse its consent to any nomination the Governor may make of persons to constitute the board herein first provided for, or to fill a vacancy occurring thereafter by expiration of the term, or otherwise, he must, after the adjournment of the Senate, grant a commission for the terms herein provided for, or for the unexpired portion of such term, as the case may be, subject, however, to the consent of the Senate at its next regular session; *provided*, that upon the passage of this Act, the Governor shall nominate and appoint the three commissioners to fill the offices hereby created. The commissioner first appointed for four years, and thereafter his successors, shall be the president and executive officer of the board. It shall be his duty to preside at its meetings, to supervise the official conduct of all its officers and employes, especially in the collection, custody, and disbursement of the revenues, and to require that all the books, papers, and accounts be accurately kept, and in proper form, and all the provisions of law, and the regulations of the board, be enforced and observed. He may administer official oaths to the officers and employes of the board, except the other commissioners, and to all other persons in relation to the business of the board.

Sec. 2. Section twenty-five hundred and twenty-one of the Political Code is hereby amended to read as follows:

Section 2521. The president of the board must give an official bond in the sum of fifty thousand dollars, and each of the other commissioners in the sum of fifty thousand dollars, which must be approved by the Governor and State Treasurer, by written indorsement thereon, and within fifteen days after the date of their respective commissions must be filed and recorded in the office of the Secretary of State, together with the official oath prescribed by law. The commissioners shall not be sureties for one another, nor shall any officer of the State, nor any officer or member of the Legislature be accepted as surety on said bonds. The board hereby appointed shall organize at once upon receiving their commissions, and shall appoint a chief engineer, a secretary, an attorney, an assistant secretary, a chief wharfinger, and such number of wharfingers and collectors as they may deem necessary. The secretary, the chief engineer, and the attorney shall hold office for the period of four years, and all of the other officers, appointees, and attachés of said board shall hold office at the pleasure of the board. The board may require such bonds, except from the secretary, from all officers and employes of said board as they may deem best.

Sec. 3. Section twenty-five hundred and fifty-two of the Political Code is hereby amended to read as follows:

Section 2552. The monthly salaries of the officers of the board shall be as follows:

The president, three hundred dollars.

Each of the other commissioners, two hundred and fifty dollars.

The secretary, two hundred and fifty dollars.

The assistant secretary, one hundred and fifty dollars.

The attorney, two hundred dollars.

The chief engineer, three hundred dollars.

The chief wharfinger, two hundred and fifty dollars.

The wharfingers, one hundred and ten dollars; and

Collectors, one hundred dollars.

The board must fix the compensation of all the other employes, attachés, and officers.

Sec. 4. This Act shall take effect immediately.

During the reading of the substitute, the following amendment was offered by Senator La Rue:

Amend by adding to Section 2, line 2, after the word "board," the words "*provided, however*, that the present officers elected under the existing law shall hold office for the term for which they were elected, and that nothing herein shall be construed as authorizing the election of their successors until the expiration of the terms as aforesaid."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators La Rue, Braunhart, and Rowell.

The roll was called, and the amendment lost by the following vote:

Ayes—Senators Braunhart, Curtin, Davis, Doty, Feeney, Hall, La Rue, Pace, Prisk, and Sims—10.

Noes—Senators Bettman, Burnett, Cutter, Dickinson, Flint, Gillette, Jones, Laird, Luchsinger, Morehouse, Nutt, Shortridge, Taylor, Trout, and Wolfe—15.

Substitute read and adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 367—An Act to amend Section 3617 of the Political

Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto.

Read third time.

Senator Curtin moved that Senator Rowell be appointed a special committee of one to amend the bill as follows:

Before the word "Section," in line 1, add the word and figure "Section 1"; also, before the word "this," in line 50, page 2, add the word and figure "Sec. 2"; also, strike out figures "3617," in line 3, page 1, printed bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 367—An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto—with instructions to amend, respectfully reports the same back, amended as per instructions.

ROWELL, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 442—An Act to amend Section 919 of the Code of Civil Procedure, relating to what cases wherein an appeal stays proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 442 passed by the following vote:

AYES—Senators Bettman, Brauhart, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Read third time.

Senator Smith moved that Senator Davis be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 2 all after the figures \$2,345 75, in line 5, down to and including the words "per annum."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 228—An Act appropriating \$45,000 to complete one wing and equip the building now being constructed for the use of the State Normal School of San Diego, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Shortridge, Smith, Stratton, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel.

Read third time.

Senator Morehouse moved that Senator Sims be appointed a special committee of one to amend the bill as follows:

Amend by striking out the figures "258" in the title of the Act, and inserting in lieu thereof the figures "259."

Also: Strike out the word "the" where it occurs before the word "Senate" in the enacting clause of the Act.

Also: In lines 2 and 3 of Section 1, strike out the words "two hundred and fifty-eight" and insert in lieu thereof the words "two hundred and fifty-nine."

Also: In line 4 of Section 1, strike out the figures "258" and insert in lieu thereof the figures "259."

Also: In line 39 of Section 1, after the word "forwarded" insert the words "by its or his own correspondent or correspondents, but furnished and forwarded."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel—with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMS, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 359—An Act to regulate the practice of architecture.

Read third time.

At nine o'clock and thirty minutes P. M., Hon. J. H. Dickinson, State Senator from the Eleventh District, in the chair.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 359 refused passage by the following vote:

AYES—Senators Ashe, Brauhart, Davis, Dickinson, Gillette, Hall, Jones, Morehouse, Nutt, Stratton, and Wolfe—11.

NOES—Senators Bettman, Burnett, Doty, Feeney, Laird, Luchsinger, Prisk, Rowell, Shortridge, Sims, Smith, and Trout—12.

NOTICE OF MOTION TO RECONSIDER.

Senator Luchsinger gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 359 was this day refused passage.

MOTION TO RECONSIDER VOTE POSTPONED.

In compliance with his notice given on a previous day, Senator Brauhart moved a reconsideration of the vote whereby Assembly Constitutional Amendment No. 7—Relative to exempting certain school property from taxation—was refused adoption.

The motion was seconded.

Senator Braunhart moved that further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 7 was refused adoption, be postponed until Tuesday, March 7, 1899.

So ordered.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 353—An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893; reducing the amount of such appropriation per capita, but increasing said appropriation in the aggregate.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 353 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Morehouse, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 302—An Act to create a special fund to be known as the "State Débris Construction Fund," and to transfer from the General Fund to such State Débris Construction Fund the sum of \$250,000.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 302 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Gillette, Jones, La Rue, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Smith, Stratton, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 198—An Act authorizing the Secretary of State to appoint a clerk in addition to the number now allowed by law, and to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year.

Read second time, and ordered to engrossment.

Senate Bill No. 438—An Act to amend Section 1585 of the Code of Civil Procedure of the State of California, relating to the administration and disposition of the assets of a deceased co-partner.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 438 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Curtin, Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Hall, Jones, Laird, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 554—An Act to provide for the appointment of a Board of Colton Hall Property, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 554 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Wolfe was granted leave of absence for the evening, on his own motion.

At ten o'clock P. M., Hon. Thomas Flint Jr., President pro tem. of the Senate, in the chair.

SPECIAL FILE—(RESUMED).

Senate Bill No. 662—An Act to amend Section 1416 of the Civil Code, relative to water rights.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 662 passed by the following vote:

AYES—Senators Bettman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Stratton, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 493—An Act to provide for sweeping, cleaning, and sprinkling streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 493 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, Luchsinger, Nutt, Pace, Prisk, Sims, Smith, Stratton, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 73—An Act for the relief of district agricultural associations, and appropriating money therefor.

Read third time.

Senator Burnett moved that Senator Curtin be appointed a special committee of one to amend the bill as follows:

Amend by striking out of the title in the last line thereof the words "and in the holding of fairs."

Also: Amend by striking out of Section 1, in lines 9, 10, and 11, the words "and for money expended in holding such fairs or for either or any of such purposes."

Also: Amend by striking out of Section 2, line 4, the words "or for any of the purposes."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 73—An Act for the relief of district agricultural associations, and appropriating money therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

ADJOURNMENT.

At ten o'clock and five minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until nine o'clock and thirty minutes A. M. of Tuesday, March 7, 1899.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 7, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Monday, March 6, 1899, was read.

The Journal of Friday, March 3, 1899, was approved.

RECALLED FROM ENGROSSMENT.

On motion of Senator Dickinson, Substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18 was recalled from engrossment for the purpose of amendment.

Substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, and 23, and repealing Section 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

The above substitute having been recalled from engrossment for the purpose of amendment, the same was taken up for consideration.

The following amendments were offered by Senator Dickinson:

Amend by inserting after the word "twelve," and before the word "sixteen," in line 3 from the bottom of the title of Senate Constitutional Amendment No. 1, the word "fourteen," page 1, printed bill.

Amendment adopted.

Also: Amend by inserting after the words "read as follows," in the last line of the title of Senate Constitutional Amendment No. 1, the following: "and that section twenty-four of said article be and the same is hereby repealed," on first page of printed bill, and changing the punctuation.

Amendment adopted.

Substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18 ordered to print and engrossment.

RESOLUTION.

The following resolution was offered by Senator Stratton, who moved its adoption:

Resolved, That the State Printer be and he is hereby instructed to print for the use of the members of this Senate 2,500 copies each of Senate Bills Nos. 30, 49, and 444, and 1,000 copies each of Senate Bills Nos. 83, 95, 133, 379, and 721.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Senate Bill No. 723—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

JONES, Chairman.

MOTION.

Senator Dickinson moved to take up Senate Bill No. 723 for consideration.

So ordered.

Senate Bill No. 723—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 723 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Curtin, Davis, Dickinson, Dwyer, Feeney, Flint, Hail, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 606—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the Capitol building and furniture, etc.

Also: Assembly Bill No. 664—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth fiscal year.

Also: Assembly Bill No. 665—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-ninth fiscal year.

Also: Assembly Bill No. 695—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the Capitol building and furniture for the fiftieth fiscal year.

Also: Assembly Bill No. 696—An Act making an appropriation to pay the deficiency in the appropriation for the purchase of furniture and carpets in the Capitol building for the fiftieth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DICKINSON, Chairman.

Assembly Bills Nos. 606, 664, 665, 695, and 696 ordered on special file for Assembly bills for second reading.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 13—A resolution to amend Section 12 of Article XIII of the Constitution.

Also: Passed Assembly Bill No. 538—An Act authorizing the appointment of a Commissioner of Irrigation to cooperate with the Director of the United States Geological Survey in surveys and estimates of costs of reservoirs and dams for storing flood waters for irrigation, mining, and industrial purposes, and appropriating money to carry out the provisions of this Act.

Also: Passed Assembly Bill No. 309—An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern metallic bookcases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor.

Also: Passed Assembly Bill No. 877—An Act to provide for the construction of a free wagon road from the Mount Hamilton Observatory, in Santa Clara County, to some point in Stanislaus County, where connection can be made with the best route to the Yosemite Valley, and making an appropriation therefor.

Also: Passed Assembly Bill No. 736—An Act to appropriate the sum of \$575 to pay the claim of James H. Barry, for money due and owing to the said James H. Barry from the State of California.

Also: Passed Assembly Bill No. 232—An Act authorizing the Secretary of State to appoint a clerk, in addition to the number now allowed by law, to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year.

Also: Passed Assembly Bill No. 105—An Act for the relief of district agricultural associations or district agricultural societies.

Also: Passed Assembly Bill No. 459—An Act to amend Section 2440 of the Political Code of the State of California, approved March 12, 1872, relating to the appointment of Pilot Commissioners for San Francisco, Mare Island, and Benicia.

Also: Passed Assembly Bill No. 255—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known and numbered Section 2664, relating to highway taxes.

Also: Passed Assembly Bill No. 239—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Constitutional Amendment No. 13 referred to Committee on Judiciary.

Assembly Bill No. 538 read first time, and referred to Committee on Irrigation and Water Rights.

Assembly Bill No. 309 read first time, and ordered on special file for Assembly bills, without reference to committee.

Assembly Bill No. 877 read first time, and ordered on special file for Assembly bills, without reference to committee.

Assembly Bill No. 736 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 232 read first time, and ordered on special file for Assembly bills, without reference to committee.

Assembly Bill No. 105 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 459 read first time, and referred to Committee on Commerce, Harbors, and Rivers.

Assembly Bill No. 255 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 239 read first time, and referred to Committee on Roads and Highways.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Luchsinger moved a reconsideration of the vote whereby Senate Bill No. 359—An Act to regulate the practice of architecture—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Davis, Dickinson, Doty, Dwyer, Feeney, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Nutt, Pace, Rowell, Simis, Stratton, Taylor, Trout, and Wolfe—23.

NOES—Senator Shortridge—1.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 359 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, Stratton, Trout, and Wolfe—23.

NOES—Senators Boyce, Burnett, Leavitt, Morehouse, and Shortridge—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

The consideration of Committee Substitute for Senate Bill No. 308, heretofore set for this hour, was proceeded with.

Committee Substitute for Senate Bill No. 308—An Act to establish a uniform system of county and township governments.

The bill having been read second time, down to Section 25, subdivision 12, on a previous day, the second reading was proceeded with.

During the second reading of bill, the following amendments were offered:

By Senator Morehouse:

Amend by striking out of Section 25, lines 333 and 334, the words "or until the next general election."

Amendment adopted.

By Senator Leavitt:

Amend by striking out of Section 25, line 335, all of subdivision 19½.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Stratton, Taylor, and Leavitt.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Burnett, Cutter, Leavitt, Maggard, Nutt, Prisk, Rowell, Shortridge, and Wolfe—9.

NOES—Senators Ashe, Boyce, Brauhart, Bulla, Curtin, Davis, Dickinson, Dwyer, Hall, Hoey, Jones, La Rue, Luchsinger, Morehouse, Pace, Sims, Stratton, Taylor, and Trout—19.

BILL RECALLED FROM ENROLLMENT.

Senator Leavitt moved that Senate Bill No. 22 be recalled from enrollment for the purpose of correcting amendment to said bill by changing the word "to" to the word "of" after the words "City of Oakland" and before the words "any title."

So ordered.

SPECIAL ORDER—(RESUMED).

Consideration of Committee Substitute for Senate Bill No. 308.

The following amendment was offered by Senator Luchsinger:

Amend by striking out all of Section 20½, beginning on line 380, page 19, printed bill, and inserting in lieu thereof the following:

"Section 20½. The Board of Supervisors of any county in the State of California may appoint a Veterinary Health Officer and fix his compensation at a sum not to exceed twelve hundred dollars per annum. The duty of such Veterinary Health Officer, when so appointed, shall be to inspect and quarantine, when necessary, any domestic animal or animals, as provided by law. Also, to see that all laws for the prevention of the spread of glanders, farcy, anthrax, splenic or Texas fever, or of any contagious or infectious disease peculiar to domestic animals, are enforced."

The following amendment to the amendment was offered by Senator Cutter:

Amend by striking out of Section 25 all of subdivision 20½.

The question being on the adoption of the amendment to the amendment.

The same was put and adopted.

Whereupon the President pro tem. declared the original amendment, or any part of it, without standing.

By Senator Smith:

Amend by striking out of Section 25, in lines 405, 406, and 407, the words "the board shall annually fix the rate for printing the delinquent tax-list, and name the person or newspaper to do such work."

The following amendment to the amendment was offered by Senator Leavitt:

Amend by striking out of Section 25, lines 406 and 407, the words "and name the person or newspaper to do such work."

The following substitute for the amendment and the amendment to the amendment was offered by Senator Prisk:

Amend by striking out of Section 25, lines 405, 406, and 407, the words "the board shall annually fix the rate for printing the delinquent tax-list, and name the person or newspaper to do such work." and inserting the following: "the board shall annually advertise for bids for printing the delinquent tax-list, and award the contract for same to the lowest responsible bidder; *provided*, that said delinquent tax-list must be printed in a newspaper of general circulation which has been published for at least one year, and the rate shall not be greater than that fixed for county advertising."

The question being on the adoption of the substitute for the amendment and the amendment to the amendment.

The same was put and adopted.

By Senator Bulla:

Amend by striking out of Section 25, page 21, line 453, all of subdivision 25½.

The following amendment to the amendment was offered by Senator Morehouse:

Amend by striking out the words "by lease, or otherwise, as may be necessary," in lines 453 and 454, page 21, printed bill, subdivision 25½, and inserting in lieu thereof the following: "at the court-house."

The question being on the adoption of the amendment to the amendment.

The same was put and lost.

The question recurring on the adoption of the amendment by Senator Bulla.

The ayes and noes were demanded by Senators Shortridge, Bulla, and Davis.

The roll was called, and the same adopted by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, and Wolfe—26.

NOES—Senators Ashe, Curtin, Morehouse, Stratton, and Taylor—5.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Stratton moved a reconsideration of the vote whereby Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Curtin, Davis, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Shortridge, Simpson, Smith, Stratton, and Trout—26.

NOES—Senators Dickinson, Gillette, Prisk, Rowell, Sims, and Taylor—6.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 358 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—28.

NOES—Senators Gillette, Prisk, Rowell, Sims, and Wolfe—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly engrossed Senate Bill No. 264—An Act to

prohibit the use of stagnant water in the drinking troughs used by domestic animals, and to prevent the spread of infectious diseases.

Also: Senate Joint Resolution No. 21—Relative to the mineral land bill.

Also (reëngrossed): Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Also: Substitute for Senate Bill No. 330—An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$100,000.

Also (reëngrossed): Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay.

Also: Senate Bill No. 516—An Act to amend Section 1726 and Section 1732 of the Code of Civil Procedure of the State of California, relating to the duties of Public Administrator.

Also (reëngrossed): Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble Minded Children, by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 586—An Act to add a new section to the Penal Code, said section to be designated as Section 625½, relating to oil pipe-lines.

Also: Substitute for Senate Bill No. 34—An Act to establish a State Normal School in San Francisco, and making an appropriation of \$25,000 therefor.

Also: Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897.

JONES, Chairman.

Senate Bills Nos. 264, 516, 586, 360, Substitute for Senate Bill No. 34, and Substitute for Senate Bill No. 330 ordered on file for third reading.

Senate Joint Resolution No. 21 ordered on file.

Senate Bills Nos. 43, 47, and 210 ordered on file for passage.

SPECIAL ORDER—(RESUMED).

The following amendment was offered by Senator Bulla to Committee Substitute for Senate Bill No. 308:

Amend by inserting in Section 25, page 23, line 516, after the word "counties," the following: "outside of any incorporated city or town."

During the discussion of the amendment, on motion, the further consideration of Senate Bill No. 308 was postponed until three o'clock and thirty minutes P. M. of this day.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, March 7, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and

manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Crowder, Crowley, Dale, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Grabin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenter, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—76.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Monday, March 6, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Monday, March 6, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Barnes—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—10.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	37
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Eugene Sullivan, and Wright—17.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Messrs. Cosper and Dunlap—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Feliz, Griffin, Hanley, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—14.

For James D. Phelan—Messrs. Burnett, Fairweather, Glenn, and Hoey—4.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	74
W. H. L. Barnes received	15 votes.
M. M. Estee received	1 vote.
D. M. Burns received	17 votes.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
Stephen M. White received	14 votes.
James D. Phelan received	4 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	111
Necessary to a choice	56
W. H. L. Barnes received	22 votes.
M. M. Estee received	1 vote.
D. M. Burns received	25 votes.
U. S. Grant, Jr., received	26 votes.
Irving M. Scott received	5 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	24 votes.
James D. Phelan received	5 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-four minutes P. M., on motion of Assemblyman Radcliff, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Wednesday, March 8, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-five minutes p. m., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Davis, Dickinson, Doty, Dwyer, Flint Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—31.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COMMERCE, HARBORS, AND RIVERS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Commerce, Harbors, and Rivers, to whom was referred Assembly Bill No. 459—An Act to amend section 2440 of the Political Code of the State of California, approved March 12, 1872, relating to the appointment of Pilot Commissioners for San Francisco, Mare Island, and Benicia—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHORTRIDGE, Chairman.

Assembly Bill No. 459 ordered on special file for Assembly bills for second reading.

RESOLUTION—(OUT OF ORDER).

Senator Boyce offered the following resolution:

Resolved, That the pay of Assistant Minute Clerk be allowed C. S. MacMullan for services rendered at the Senate desk from February 18 to and including March 4, 1899.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

Senator Rowell moved that Senate Bill No. 325, read third time on a previous day, be taken up for the purpose of amendment.

So ordered.

Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges.

MOTION TO REFER TO A SPECIAL COMMITTEE OF ONE TO AMEND.

Senator Rowell moved that Senator Stratton be appointed a special committee of one to amend the bill as follows:

Amend by striking out of line 8 the word "thousand" and inserting in lieu thereof the word "hundred."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for

the University of California and its affiliated colleges—with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE— (OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Assembly Bill No. 589—An Act to establish, ratify, and confirm the north boundary line of San Mateo County, between the counties of San Mateo and San Francisco, as the same was surveyed by Charles S. Tilton, William B. Gilbert, and D. Bromfield, between August 28 and December 28, 1898, to be the true boundary line between the counties of San Mateo and San Francisco, State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOREHOUSE, Chairman.

Assembly Bill No. 589 ordered on special file for Assembly bills for second reading.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Dickinson moved a reconsideration of the vote whereby Senate Bill No. 363—An Act to amend Section 2022 of the Political Code of California—was passed.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senator Boyce—1.

NOES—Senators Braunhart, Bulla, Curtin, Cutter, Dickinson, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Rowell, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—23.

Bill ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and thirty-five minutes P. M., the hour of recess having arrived, the President declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Dickinson, Flint, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—29.

Quorum present.

MOTION.

On motion of Senator Boyce, Committee Substitute for Senate Bill No. 309 was referred to Committee on Education and Public Morals.

LEAVE OF ABSENCE.

At two o'clock and fifteen minutes P. M., on motion of Senator Boyce, the Committee on Education and Public Morals was granted leave of absence for one hour.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly reengrossed: Committee Substitute for Senate Bill No. 491—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Have examined and found correctly engrossed Senate Bill No. 658—An Act to amend Section 1764 of the Code of Civil Procedure, relating to the appointment of guardians of insane and incompetent persons.

Also: Senate Bill No. 544—An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor; and to prescribe the punishment for a violation of the game laws of this State."

Also: Senate Bill No. 510—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 352—An Act to amend Section 296 of the Civil Code of the State of California, relating to the filing of articles of incorporation with the County Clerk and Secretary of State, and the issuance of certificate, and the effect of such certificate.

Also: Senate Bill No. 301—An Act entitled "An Act to amend Section 3 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885."

Also: Senate Bill No. 349—An Act to amend Sections 1912, 1914, 1917, 1920, 1922, 1934, 1936, 1939, 1940, 1941, 1943, 1951, 1952, 1954, 1955, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1990, 1991, 1992, 1993, 2003, 2004, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, and 2037; to repeal Sections 1918, 1923, 1924, 1929, 1937, 1938, 1969, and 2003, as approved April 1, 1897; 2054, 2055, 2056, 2057, 2058, 2064, 2065, 2066, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2094, 2099, 2105, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, and 2117, and to add new sections, to be known and numbered as Sections 1959a, 1967a, 1978, 1987, 1988, 1989, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2033, 2034, 2035, 2036, 2037, 2038, 2039a, 2069, 2070, and 2071, and all of and to the Political Code of the State of California, relating to the National Guard.

Also: Senate Bill No. 218—An Act to amend an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, and compelling all banks to publish sworn statements of unclaimed deposits.

Also: Senate Bill No. 285—An Act to appropriate money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Also: Senate Bill No. 284—An Act to appropriate money for the purchase of tools and books for the use of the Preston School of Industry.

Also: Committee Substitute for Senate Bill No. 334—An Act to provide for the assessment, levy, and collection of an income tax.

Also: Senate Bill No. 678—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 26, 1895.

Also: Senate Bill No. 397—An Act to amend Section 1579 of the school law of California.

Also: Senate Bill No. 547—An Act making an appropriation to pay the claim of J. E. Edson.

Also: Senate Bill No. 434—An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol.

Also: Substitute for Senate Bill No. 426—An Act to amend Sections 2520, 2521, and 2552 of the Political Code, relating to the Board of State Harbor Commissioners, reestablishing the said board, and defining certain of its powers and duties, together with the terms of office and compensation of its officers and appointees.

JONES, Chairman.

Committee Substitute for Senate Bill No. 491 ordered on file for passage.

Senate Bills Nos. 658, 544, 510, 352, 285, 301, 349, 218, 284, 678, 397, 547, 434, Substitute for Senate Bill No. 426, and Committee Substitute for Senate Bill No. 334 ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE FOR ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 322—An Act to amend Section 1142 of the Political Code, relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 322 finally passed by the following vote:

AYES—Senators Bulla, Burnett, Cutter, Davis, Dickinson, Flint, Gillette, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—21.

NOES—Senators Braunhart, Dwyer, and Prisk—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 925—An Act providing what imprint shall be placed on bills, placards, posters, pamphlets, and other printed matter having reference to an election or to any candidate, and providing a punishment for a violation thereof.

Read second time, and ordered to third reading.

Assembly Bill No. 602—An Act to amend Section 2643 of the Political Code, relating to the road tax and its apportionment among road districts.

Read second time, and ordered to third reading.

Assembly Bill No. 611—An Act to repeal an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872; and to repeal an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 9, 1877; and to repeal an Act entitled "An Act to amend Sections 1, 5, 7, 8, 10, and 11 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 19, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 611 finally passed by the following vote:

AYES—Senators Braunhart, Burnett, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Luchsinger, Maggard, Nutt, Prisk, Shortridge, Sims, Stratton, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 582—An Act to amend Section 2655 of the Political Code, relating to highway taxes to be expended in districts.

Read second time, and ordered to third reading.

Assembly Bill No. 755—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce the laws relating thereto, and making an appropriation to pay the expenses of such examinations.

During the second reading of bill, the following amendments were offered by Senator Flint:

Amend by striking out of Section 5, line 1, the word "thirty" and inserting the following: "twenty."

Amendment adopted.

Also: Amend by striking out of Section 5, line 7, the word "fifteen" and inserting the following: "ten."

Amendment adopted.

Also: Amend by striking out of Section 5, line 8, the word "fifteen" and inserting the following: "ten."

Amendment adopted.

Also: Amend by inserting the following at the end of Section 5: "*provided, however, that the total expenditure shall not exceed the amount appropriated by this Act, and that no deficiency shall be created by the State Board of Examiners.*"

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 252—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner from June 1, 1873, to April 1, 1874, amounting to \$2,000, approved by the State Board of Examiners, and appropriating money to pay the same.

During the second reading of bill, the following amendment was offered by Senator Flint:

Amend by striking out of Section 3, line 1, the word "immediately" and inserting the following: "January first, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 576—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts, in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in said districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891; the amendment of said section relating to the issuance of bonds.

Read second time, and ordered to third reading.

Assembly Bill No. 897—An Act to amend Sections 9 and 10 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever; and to repeal the Act approved March 9, 1885, entitled 'An Act to authorize municipal corporations of the fifth class, containing more than 3,000 and less than 10,000 inhabitants, to obtain waterworks'; also, to repeal an Act approved March 15, 1887, entitled 'An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State,' approved March 19, 1889," and an Act amendatory thereof, approved March 19, 1891.

Read second time, and ordered to third reading.

Assembly Bill No. 104—An Act to regulate the granting of telephone

and telegraph, street railroad and electric light, heat and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns within the State of California, and repealing conflicting Acts.

Passed on file.

Assembly Bill No. 691—An Act entitled "An Act to prevent the sale of raw materials, and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags and broken stones, and materials for State and county roads only, and articles consumed in the State institutions."

During the second reading of bill, the following amendments were offered by Senator Luchsinger:

Amend Section 1, line 17, by inserting the words "at actual cost of production," after the word "roads."

Amendment adopted.

Also: Amend by striking out of Section 1, line 20, the words "at actual cost of production," and inserting the following: "at not less than thirty-five cents per ton."

Amendment lost.

By Senator Doty:

Amend by striking out of Section 1, line 20, the words "actual cost of production," and inserting in lieu thereof "thirty cents a ton at rock-crusher."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 726—An Act to declare the Silver Lake wagon road, commencing at Pine Grove, in Amador County, and running thence across the summit of the Sierra Nevada Mountains via Silver Lake to Lake Tahoe, a State highway.

Read second time, and ordered to third reading.

Assembly Bill No. 645—An Act to amend Section 558 of the Penal Code, relating to malicious injuries to highways.

During the second reading of bill, the following amendment was offered by Senator Sims:

Amend by striking out in lines 13 and 14, Section 1, the words "in the State penitentiary not exceeding five years," and the word "or" in line 14.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 395—An Act to amend Section 1261 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 395 finally passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Maggard, Morehouse, Nutt, Prisk, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 349—An Act to amend the Penal Code by adding two new sections to Title IV thereof, relative to crimes against the elective franchise, said sections to be numbered 63 and 63½, respectively.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 349 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, La Rue, Maggard, Morehouse, Nutt, Prisk, Stratton, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 439—An Act to amend Sections 3, 11, and 19 of An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893; said amendments relating to the treating, buying, or giving of any cigars, or intoxicating beverage, or any temperance beverage, to any person by a candidate for public office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 439 refused passage by the following vote:

AYES—Senators Bulla, Curtin, Doty, Jones, La Rue, Rowell, Sims, Stratton, and Trout—9.

NOES—Senators Braunhart, Burnett, Cutter, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Taylor, and Wolfe—21.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 19—An Act to amend Sections 1083, 1094, 1113, 1115, 1130, 1131, 1160, 1164, 1174, 1187, 1188, 1196, 1197, 1205, 1210, 1211, 1257, 1258, and 1259 of the Political Code, and to repeal Section 1228 thereof, all relating to elections.

Passed on file.

Assembly Bill No. 159—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 159 finally passed by the following vote:

AYES—Senators Bulla, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 274—An Act making an appropriation to pay the claim of I. H. Polk against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 274 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Shortridge, Simpson, Sims, Stratton, Taylor, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 347—An Act to appropriate money to pay the Directors of the Deaf, Dumb, and Blind Asylum for the grading and curbing of Waring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, at Berkeley, California, which work was performed and materials furnished under a contract with Guy H. Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 347 finally passed by the following vote:

AYES—Senators Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 644—An Act to amend Sections 2, 3, and 5 of an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 644 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER RESET.

On motion of Senator Bulla, the consideration of Senate Bill No. 308—An Act to establish a uniform system of county and township governments—heretofore set as a special order for this hour, was made the special order for Wednesday, March 8, 1899, immediately after reading of Journal.

SPECIAL ORDER.

The consideration of Senate Bill No. 419 and Assembly Bill No. 831, heretofore set for this hour, was proceeded with.

Senate Bill No. 419—An Act to amend Sections 330, 331, and 337 of the Penal Code.

The bill having been partially read second time on a previous day, with the question of the adoption of a proposed substitute for bill pending when the hour of recess arrived.

The question being on the adoption of the pending substitute offered

by Senator Braunhart on February 24, 1899, and published in the Journal of that date.

The same was put and lost.

During the further second reading of bill, Senator Davis offered the following amendment:

Amend by striking out of Section 1, lines 32, 33, 34, 35, 36, and 37, the words "*provided, however, that this section is not intended to and does not prohibit the making of bets, pools, or books upon the result of any trial of skill or speed of man or beast on a racetrack upon races or contests conducted for a period not exceeding thirty days during any one year in any county, or city and county, of this State, upon such racetrack.*"

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Braunhart, Davis, and Jones.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Braunhart, Davis, Doty, Jones, La Rue, Nutt, Pace, Rowell, Sims, Stratton, and Trout—11.

NOES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Cutter, Dickinson, Dwyer, Feeney, Flint, Hall, Hoey, Laird, Langford, Leavitt, Morehouse, Shortridge, Simpson, Taylor, and Wolfe—20.

Bill read second time.

The question being, "Shall the bill be ordered to engrossment and third reading?"

The roll was called, and the bill denied engrossment and third reading by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Doty, Dwyer, Jones, La Rue, Nutt, Pace, Rowell, Sims, Stratton, and Trout—13.

NOES—Senators Ashe, Bettman, Burnett, Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Hall, Hoey, Laird, Langford, Leavitt, Luchsinger, Morehouse, Shortridge, Simpson, Taylor, and Wolfe—20.

Assembly Bill No. 831—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the racetrack, enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance of, by, or between men, animals, or machines shall be had and occur, and upon the days when such trials or contests actually occur or are had; and to provide a punishment for the violation of this Act.

Senator Wolfe moved that the bill be denied second reading.

Motion carried.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Gillette:

Resolved, That Senate Bills Nos. 272, 599, 591, 522, 558, 559, 560, 562, 565, 567, 570, 573, 574, 575, 576, 578, 582, 583, 584, 594, 595, 600, 604, 606, 609, 616, 617, 627, 626, 629, 631, 633, 637, 638, 640, 641, 643, 644, 645, 650, 651, 653, 654, 657, 666, 674, 679, 681, 684, 685, 692, 694, 698, 682, 707, 718, 719, 726, 727, 728, 729, and 730 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read, and ordered printed in the Journal.

SPECIAL ORDER SET.

On motion of Senator Gillette, the consideration of the foregoing urgency resolution was set for the forenoon of Wednesday, March 8, 1899.

MOTION.

Senator Bulla moved that Senate Bill No. 524 be taken up for consideration.

So ordered.

Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

Read third time.

Senator Taylor moved that Senator Stratton be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 7 the figure "7" and inserting in lieu thereof the figure "8."

Also: Insert at end of Section 6 the following:

"SEC. 7. The remedy herein provided for the disorganization of irrigation districts shall be the exclusive remedy therefor. Such proceedings for disorganization must be commenced within one year after the taking effect of this Act."

The question being on the appointment of a special committee of one.

The ayes and noes were demanded by Senators Nutt, Bulla, and Taylor.

The roll was called, and the motion lost by the following vote:

AYES—Senators Morehouse, Prisk, Stratton, Taylor, and Trout—5.

NOES—Senators Braunhart, Bulla, Burnett, Davis, Dickinson, Doty, Flint, Gillette, Jones, Langford, La Rue, Luchsinger, Nutt, Rowell, Simpson, and Smith—16.

Senator Nutt moved that Senator Bulla be appointed a special committee of one to amend the bill as follows:

Amend by adding to Section 4, line 88, the following: "and to further facilitate the disorganization of the district under the provisions of this Act, any person owning property in the district whose lands have been sold for delinquent taxes may, within thirty days after the entry of the decree provided for in this section, redeem his property so sold by paying into the treasury of the district the amount for which the land was sold, together with the legal rate of interest from the date of sale to the date of redemption."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein—with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 637 (Substitute for Assembly Bill No. 120)—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties, in the State," as amended by an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties, in the State'"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

BOYCE, Chairman.

Assembly Bill No. 637 ordered on special file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 535—An Act to enable railroad companies to complete their railroads, and authorizing construction of railroads—have had the same under consideration, and respectfully report the same back, amended by committee, without recommendation.

SIMPSON, Chairman.

Senate Bill No. 535 ordered on file for second reading.

ORDERED AT HEAD OF FILE.

On motion of Senator Davis, Senate Bill No. 70—An Act to appropriate \$17,500 for the furnishing of the administration building and two male wards of the Mendocino State Hospital; for the purchase of an electric plant for lighting the hospital buildings and grounds, and the necessary machinery and appliances therefor, and to construct a building to contain the same; to purchase an ice plant and cold storage system; to make the necessary changes in attics to protect the hospital buildings against fire; to appropriate money therefor, and provide for the expenditure of the same—was ordered placed at head of the Senate special file.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Stratton, his motion to reconsider the vote whereby Assembly Constitutional Amendment No. 14—Amending the Constitution by adding a new section to Article IX, relative to exempting certain property from taxation—was refused adoption, was postponed until Wednesday forenoon, March 8, 1899.

RECESS.

At four o'clock and forty-five minutes P. M., on motion of Senator Laird, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

Quorum present.

On motion of Senator Luchsinger, Senate Bill No. 86—An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital; said buildings to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital; to appropriate money therefor, and provide for the expenditure of the same—was ordered on Senate special file for consideration on this day.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 70—An Act to appropriate \$17,500 for the furnishing of the administration building and two male wards of the Mendocino State Hospital; for the purchase of an electric plant for lighting the hospital buildings and grounds, and the necessary machinery and appliances therefor, and to construct a building to contain the same; to purchase an ice plant and cold storage system; to make the necessary changes in attics to protect the hospital buildings against fire; to appropriate money therefor, and provide for the expenditure of the same.

During the second reading of bill, the following amendments were offered by Senator Dickinson:

Amend by striking out all of lines 15, 16, 17, 18, 19, and to "system," in line 20 of bill.

Amendment adopted.

Also: Amend by striking out all of Section 5, after the figure "5," page 2, printed bill, and inserting in lieu thereof the following: "This Act shall take effect and be in force from and after the first day of January, nineteen hundred."

Amendment adopted.

Also: Amend by striking out the word "seventeen," line 3, Section 1, page 1, printed bill, and inserting in lieu thereof the word "eleven."

Amendment adopted.

Also: Amend by striking out all after the words "An Act," in the title, and inserting in lieu thereof the following: "To appropriate eleven thousand five hundred (\$11,500) dollars for the furnishing of the administration building and two male wards of the Mendocino State Hospital; to make the necessary changes in attics to protect the hospital buildings against fires; to appropriate money therefor, and to provide for the expenditure of the same."

Amendment adopted.

Also: Amend by striking out all of Section 3.

Amendment adopted.

Also: Amend by renumbering Sections "4" and "5" as Sections "3" and "4."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

LEAVE OF ABSENCE.

Senator Nutt was granted leave of absence, on motion of Senator Dwyer.
Senator Simpson was granted leave of absence, on his own motion.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 86—An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital; said buildings to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital; to appropriate money therefor, and provide for the expenditure of the same.

During the second reading of bill, the following amendments were offered by Senator Dickinson:

Amend by renumbering Sections 3, 4, and 5.

Amendment adopted.

Also: Amend by striking out "its passage," in Section 5, and inserting "January first, nineteen hundred."

Amendment adopted.

Also: Amend by striking out the words "and the said Acts herein mentioned."

Amendment adopted.

Also: Amend by striking out Section 2.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith:

Resolved, That Senate Bill No. 722 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

The roll was called, and the resolution adopted and the provisions of Section 15, Article IV, of the Constitution suspended for the purpose above set forth by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 722—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Treasurer, Levi Rackliffe.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 722 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Luchsinger, Morehouse, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 723—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

Also: Senate Joint Resolution No. 22.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 7th day of March, 1899, at seven o'clock and forty-five minutes P. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly reengrossed: Senate Bill No. 367—An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto.

Also: Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Also: Have examined and found correctly engrossed Senate Bill No. 198—An Act authorizing the Secretary of State to appoint a clerk in addition to the number now allowed by law, and to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year.

Also: Have examined and found the following correctly reengrossed: Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel.

Also: Senate Bill No. 73—An Act providing for the ascertainment of the indebtedness of the State to the several District Agricultural Associations in this State, contracted in the improvement of the real estate of such associations, and in the holding of fairs.

JONES, Chairman.

Senate Bills Nos. 367, 530, 73, and 318 ordered on file for passage.

Senate Bill No. 198 ordered on file for third reading.

By request of Senator Leavitt, Substitute for Senate Bill No. 330—An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$100,000—was ordered placed on Senate special file.

MOTION.

Senator Bulla moved to take up and consider messages from the Governor.

Motion carried.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 7, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 723—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 7, 1899. }

To the Senate of the State of California:

I herewith return to your honorable body, without my approval, Senate Bill No. 10, with my objections thereto.

By the amendment proposed in this Act to Section 4 of the present law, full power

is given to the Board of Trustees of the district, consisting of three members, to acquire by donation or purchase "any real property, whether situated within or without the district where required for levee sites, or for the protection works maintained or to be maintained by the district." They are also given authority "to erect and maintain" all works of protection "within the district, or in whole or in part without the district, where in their judgment required for the protection of the lands within the district."

This grant of so much power to the Board of Trustees, without any check or limit upon their discretion, is dangerous to the landowners of the districts.

Another ill-directed change proposed by the present bill is the removal from the existing law of the very proper restriction upon the powers of the Board of Trustees, which, as the law now stands, requires the Board of Trustees to submit to the Board of Supervisors all plans and specifications and estimates of the cost of construction of necessary work for the approval, modification, or rejection of the Supervisors.

Were the amendment proposed by this bill to become the law, then the District Board of Trustees would have authority to charge the landowners of the district for the construction of works to the extent of their sole discretion, and without any specified limit as to cost. To vest such authority in an interested body, without any right of appeal or other safeguard, is against the principles of municipal and district government.

Again, by the proposed amendment to Section 6 of the Act, respecting the fixing of the basis of assessments and the filing of the report by the Commissioners of Assessment, it is provided in this bill "that no such report heretofore made, or that shall hereafter be made in any district heretofore or hereafter organized under this Act, shall be deemed or adjudged in any wise or in any part invalid by reason either of the amounts of land included in any one tract for the purpose of the levy by said commissioners, or because of any error or imperfection in the description thereof, and such equalization, where heretofore made, in any district, or where hereafter made, shall be conclusive of the regularity of all the proceedings leading up to the same, and shall conclusively establish that such report so equalized complies in all respects with the provisions of this Act."

This most dangerous innovation, attempting to legalize all void assessments, and making the determination of the Board of Trustees conclusive of the regularity of all the proceedings in the matter of assessment, is not consonant with the principles of good government.

No such law should ever be permitted to mar our statute books whose policy would close the doors of our courts to the petitions of aggrieved landowners.

This proposed injurious amendment finds its echo in Section 5 of this bill, where it is sought to amend Section 7 of the existing law by adding the following:

"Where an assessment heretofore or hereafter made is or shall be irregular or invalid, or is or shall be paid by a part only of the lands or landowners liable therefor, it shall be competent for the Board of Trustees to levy a new assessment in the amount of the former assessment, or exceeding the same, and to direct that all payments, if any there be, on such former assessment, shall be credited as payments to that extent upon such new assessment; and, thereupon, where such payments have been made, they shall be credited by the Treasurer and Tax Collector as payments upon such new assessment, and such new assessment shall be collected and shall be a lien only for the balance unpaid; but such new assessment shall be collected and shall be a lien for the full amount thereof against and upon all lands upon which such former assessment has not been paid in whole or in part."

By this addition it is proposed to vest in the Board of Trustees the extraordinary power to tax the landowners in all districts for all previous irregular and invalid assessments. The mere statement of such a proposition should carry its own refutation. There is neither a legal nor equitable basis for such legislation. To thus arm the Board of Trustees with such power would be to leave open to confiscation the lands of the poor men of small holdings in the districts, as well as violating the rights of the large owners.

Section 9 of the Act, as amended by this bill, omits the words of the present law which give the right to the landowners of paying the assessment on or before the first Monday of January next ensuing, and providing for the collection of assessments in the manner provided for the collection of State and county taxes.

These omissions so change the existing law that instead of providing for one annual assessment, as heretofore, there might be as many assessments in each year as the Board of Trustees should determine, limited only by the requirement of giving at least thirty days' notice of the day of delinquency.

I cannot assume that such extensive powers, so menacing to the rights of the landowners, will be exercised without abuse, and I am, therefore, for the foregoing, as well as other reasons, firmly opposed to the present bill.

HENRY T. GAGE,
Governor of the State of California.

The last above communication was referred to the Committee on Executive Communications and Nominations.

Senator Cutter moved to take up and consider messages from the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 765—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874, extending the time during which the Board of Directors may sit as a Board of Equalization.

Also: Assembly Bill No. 346—An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlements of accounts of trustees after distribution of estates, and to compensation of trustees.

Also: Assembly Bill No. 727—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California.

Also: Assembly Bill No. 613—An Act requiring hotel and lodging-house keepers to keep ropes in sleeping-rooms to facilitate escape in case of fire.

Also: Assembly Bill No. 1001—An Act to add a new section to the Penal Code, to be designated Section 354½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Also: Assembly Bill No. 1002—An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants.

Also: Assembly Bill No. 1003—An Act to amend Sections 6, 7, and 18 of an Act to create and establish a State Board of Horticulture, and to appropriate money to pay the expenses thereof, approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and an amendatory Act thereof, approved March 7, 1889, and fixing a penalty for the violation of certain provisions thereof.

Also: Concurred in Senate amendments to Assembly Bill No. 353—An Act to amend an Act entitled "An Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association,' approved March 7, 1883; providing for an increase to the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893; reducing the amount of such appropriation per capita, but increasing said appropriation in the aggregate.

Also: Passed Senate Bill No. 723—An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 134—An Act adding four new sections to the Political Code of this State, to be numbered, consecutively, Sections 1678, 1679, 1680 and 1681, authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

Also: Passed Assembly Bill No. 464—An Act to amend Section 296 of the Civil Code of the State of California, relating to the filing of articles of incorporation with the County Clerk and Secretary of State, and the issuance of certificate, and the effect of such certificate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day received the following report from its Committee on Rules and Regulations, viz.:

"ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1899.

"MR. SPEAKER: Your Committee on Rules and Regulations have the honor to report that they have held a joint conference with the Senate Committee on Rules and Revision with respect to the action of the Assembly on Assembly Bill No. 118.

"It was contended by the Committee on Rules and Revision of the Senate that the action of the Assembly in postponing indefinitely the report of the Conference Committee on Assembly Bill No. 118 (the conference having been ordered by each house) was unparliamentary, and tended to deprive the Senate of its parliamentary right to recede from the amendments introduced in that body, and thereby to defeat the bill.

"Your committee are of the opinion that the action of the House in indefinitely postponing the conference report, as aforesaid, was unparliamentary.

"Your committee, therefore, recommend that the action of the House in postponing

indefinitely the report of the Conference Committee on Assembly Bill No. 118 be reconsidered; that the Assembly conferees on said bill be discharged from further consideration of the bill; that the Senate be informed that a free conference is desired, and that free conferees be appointed by the Speaker.

"DIBBLE, Chairman."

And adopted the recommendation as set forth in the above report, and receded from its action in postponing indefinitely the report of the conference committee therein recited, and discharged its committee and appointed Assemblymen Wade, White, and Blood as a free conference committee, to meet a like committee from your honorable body.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution, viz.:

"Resolved, That the Senate be requested to return to the Assembly for correction Senate Bill No. 22—An Act to create the Harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the Harbor of Oakland, to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties, and jurisdiction, fixing their terms salaries, and their bonds, and providing how vacancies shall be filled; providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collector, and other employes, and providing for the manner of their appointment, and defining their duties and fixing their tenure of office; providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board or employes a misdemeanor, and providing a penalty of a fine not to exceed \$300, or imprisonment not exceeding one hundred days as a punishment therefor; and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing punishment therefor of a fine of not less than \$100 and not more than \$500, or by imprisonment of not less than thirty nor more than ninety days; and making it a misdemeanor to drive horses, or mules, or vehicles upon any wharf, pier, quay, landing, or thoroughfare faster than a walk, and providing a punishment of a fine of not more than \$20, or imprisonment of not more than ten days, and providing that the Police Court of the City of Oakland shall have jurisdiction of all such misdemeanors herein provided; and making it a misdemeanor for masters, owners, or consignees of vessels or railroad to refuse or to neglect to deliver to the wharfinger, or other employe of the board, a statement of the quantity of the merchandise intended to be discharged, and making the punishment therefor a fine of not more than \$100, or imprisonment of not more than three months, or both; and making it a misdemeanor for any such person to discharge, or to allow to be discharged, from any such vessel or car any part of its cargo or load, or receive, or allow to be received, on such vessel or car, any such part of its cargo or load, and providing a punishment of a fine not exceeding \$500, or imprisonment not exceeding one hundred days, or by both such fine and imprisonment; and providing that the Attorney-General shall furnish advice to the board when required."

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 765 read first time, and ordered on special file for Assembly bills for second reading.

Assembly Bill No. 346 read first time, and ordered on special file for Assembly bills for second reading.

Assembly Bill No. 727 read first time, and ordered on special file for Assembly bills for second reading.

Assembly Bill No. 613 read first time, and referred to Committee on Education and Public Morals.

Assembly Bill No. 464 read first time, and ordered on special file for Assembly bills for second reading.

Assembly Bill No. 1001 read first time.

Assembly Bill No. 1002 read first time.

Assembly Bill No. 1003 read first time.

Senate Bill No. 22 recalled from enrollment, and the Secretary directed to forthwith return the same to the Assembly, in response to the request of that body for the bill.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 300—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements by the managers of the Napa State Hospital, at Napa, and appropriating money therefor.

Also: Passed Senate Bill No. 252—An Act to repeal an Act entitled "An Act authorizing the Controller to appoint an additional clerk in his office in addition to the number now allowed by law, to be known as the Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year"; to create the office of Expert to the Controller, and prescribing his compensation.

Also: Amended, and passed as amended, Senate Bill No. 6—An Act to provide for certain improvements and repairs at the State Normal School at Los Angeles, and making an appropriation therefor.

Also: Senate Bill No. 536—An Act to add a new section to the Political Code of the State of California, to be numbered 1118, relating to registration.

Also: Senate Bill No. 277—An Act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United States Volunteer service, in reorganizing the National Guard, and resulting therefrom, and making an appropriation to pay the same.

Also: Senate Bill No. 93—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3748, 3751, and 3759 of said Political Code, and by repealing Section 3762 of said Code, all relating to revenue and taxation.

C. W. KYNE
By H. S. WANE

Senate Bill No. 252 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 300?"

Amend by striking out the word "seventy-five" in line 1, Section 2, printed bill, and inserting in lieu thereof the word "fifty."

The roll was called, and Assembly amendment concurred in by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Senate Bill No. 300 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 6?"

Strike out the word "thirty," in line 1, Section 1, printed bill, and insert in lieu thereof the word "twenty."

Also: In lines 4 and 5, Section 1, printed bill, strike out the following words: "for the erection of a library building."

Also: Strike out all of Section 1, printed bill, from and after the words "main building," in line 7, and insert in lieu thereof the following: "for furnishing the new rooms constructed in the gymnasium building."

Also: After the word "warrants," in line 6, Section 2, printed bill, strike out the period and insert a semicolon, and add the following words: "provided, that none of the sum hereby appropriated shall become available or be paid until January first, nineteen hundred."

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Jones, Laird, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Senate Bill No. 6 ordered to enrollment.

On motion of Senator Stratton, the consideration of Assembly amendments to Senate Bill No. 536 was made a special order for Friday, March 10, 1899.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 277?"

Amend by striking out all of Section 4 and inserting the following:

"SEC. 4. The unexpended balance of the appropriation for armory rents and other expenses of the N. G. C. for the forty-ninth and fiftieth fiscal years, or so much thereof as may be necessary, is hereby appropriated for the purposes of this Act."

The roll was called, and Assembly amendment concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Jones, Laird, Leavitt, Morehouse, Prisk, Rowell, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Senate Bill No. 277 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 93?"

Amend by striking from the bill all after Section 1 and inserting in lieu thereof the following:

SEC. 2. Section three thousand seven hundred and fifty-eight of the Political Code is hereby amended so as to read as follows:

3758. On the second Monday in December of each year, in each of the counties, and cities and counties of this State, the Tax Collector must attend at the office of the Auditor; have all items of taxes collected marked "paid" upon the assessment book, and the Auditor shall thereupon compute the total amount of taxes delinquent, and as soon as said total amount of delinquent taxes are computed the Auditor shall charge the Tax Collector with the total amount of delinquency, and deliver to the Tax Collector a statement of said amount of delinquency charged. Said statement shall be made to the Tax Collector within ten days from the second Monday in December of each year.

SEC. 3. Section three thousand seven hundred and fifty-nine of the Political Code is hereby amended so as to read as follows:

3759. On the third Monday in May of each year, in each of the counties, and cities and counties of this State, the Tax Collector must have all items of taxes and penalties collected marked "paid" upon the assessment book, and the Tax Collector must attend at the office of the Auditor, and said Auditor shall thereupon compute the total amount of delinquency chargeable, and also charge the Tax Collector with the total amount of delinquency.

SEC. 4. Section three thousand seven hundred and sixty-two is hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Curtin, Cutter, Doty, Feeney, Flint, Hoey, Jones, Laird, Leavitt, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Senate Bill No. 93 ordered to enrollment.

RESOLUTION—(OUT OF ORDER).

Senator Cutter offered the following resolution, and moved its adoption:

Resolved, That Assembly Bills Nos. 1001, 1002, and 1003 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section, requiring that the bill shall be read on three several days in each house, are hereby dispensed with, and it is ordered that each of said bills be read the second and third times, considered engrossed, and placed upon their passage.

The roll was called, and the resolution and provision of Section 15 of Article IV of the Constitution suspended for the purpose above set forth by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 1001—An Act to add a new section to the Penal Code, to be designated as Section 543½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package.

Read second time.

Read third time.

The roll was called, and Assembly Bill No. 1001 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Taylor, Trout, and Wolfe—25.

NOES—Senators Shortridge and Smith—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1002—An Act to amend Section 1524 of the Penal Code, relating to the issuing of a search warrant.

Read second time.

Read third time.

The roll was called, and Assembly Bill No. 1002 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Taylor, and Wolfe—23.

NOES—Senator Boyce—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1003—An Act to amend Sections 6, 7, and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriating money to pay the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and an amendatory Act thereof, approved March 7, 1889, and fixing a penalty for the violation of certain provisions thereof.

Read second time.

Read third time.

The roll was called, and Assembly Bill No. 1003 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senator Bulla—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Boyce moved that Senate Bill No. 198 be stricken from the Senate special file and that Assembly Bill No. 232—An Act authorizing the Secretary of State to appoint a clerk, in addition to the number now allowed by law, to be known as Janitor's Clerk, and providing for the

payment of his salary for the remainder of the fiftieth fiscal year—be substituted therefor on file, they being identical bills.

So ordered.

BILL ORDERED ON FILE.

On motion of Senator Morehouse, Assembly Bill No. 105 was ordered withdrawn from the Committee on Finance and Claims, and placed on special file of Assembly bills.

WITHDRAWAL OF BILL.

Senator Morehouse, by request of Senator Langford, asked for and was granted unanimous consent to withdraw Senate Bill No. 61—An Act for the relief of district agricultural associations, or district agricultural societies, and appropriating the sum of \$75,000 for such purpose.

Senate Bill No. 61 withdrawn and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

Senator Morehouse offered the following resolution:

Resolved, That after to-day, and during the remainder of the session of this Legislature, no person other than the members of the Legislature, and the representatives of the press, and the members of the families of the members of the Senate, shall be permitted upon the floor of the Senate, and the gatekeepers are hereby directed to carry out the provisions of this resolution.

Resolution read, and referred to Committee on Rules and Revision.

SENATE SPECIAL FILE.

Senate Bill No. 435—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act."

Passed on file.

Senate Bill No. 450—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Passed on file.

Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, and the Act amendatory thereof, approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 427 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—25.

NOES—Senator Davis—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An Act relating to permissive physical examina-

tions by Boards of School Trustees and City Boards of Education, and providing for a Bureau of Child Study.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 464 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Curtin, Cutter, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, Leavitt, Morehouse, Shortridge, Sims, Stratton, Taylor, and Wolfe—21.

NOES—Senators Bulla, Davis, Dickinson, Doty, Gillette, Luchsinger, Prisk, Rowell, Smith, and Trout—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the Governor's disapproval of Senate Bill No. 151; also, Senate Bill No. 7; also, Senate Bill No. 118; also, Senate Bill No. 82, have had the same under consideration and respectfully report the same back, and recommend that the vetoes of the Governor on the above bills be sustained.

BURNETT, Chairman.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Assembly Bill No. 504—An Act to amend Sections 21, 22, 26, 28, 42, and 57 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of land embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Assembly Bill No. 538—An Act authorizing the appointment of a Commissioner of Irrigation to cooperate with the Directors of the United States Geological Survey in surveys and estimates of costs of reservoirs and dams for storing flood waters for irrigation, mining, and industrial purposes, and appropriating money to carry out the provisions of this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROWELL, Acting Chairman.

Assembly Bills Nos. 504 and 538 ordered on special file for Assembly bills for second reading.

ADJOURNMENT.

At ten o'clock and twenty-two minutes P. M., on motion of Senator Bulla, the Senate was declared adjourned until nine o'clock and thirty minutes A. M. of Wednesday, March 8, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 8, 1899.

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the number of Senators present, Senator Hall moved a call of the Senate.

Motion carried.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bulla, Chapman, Curtin, Cutter, Dwyer, Flint, Gillette, Hall, La Rue, Luchsinger, Morehouse, Nutt, Rowell, Simpson, Sims, Smith, Stratton, and Trout—18.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At nine o'clock and forty-seven minutes A. M., the Sergeant-at-Arms brought to the bar of the Senate Senators Shortridge, Burnett, Prisk, Feeney, Ashe, and Doty, who were excused for absence from the Senate Chamber, on motion of Senator Simpson.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and fifty minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Hall.

ROLL CALL—(RESUMED).

The names of the absentees having been called, the roll call showed the following answering to their names:

Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Tuesday, March 7, 1899, was read.

The Journal of Saturday, March 4, 1899, was approved.

RESOLUTION.

The following resolution was offered by Senator Stratton:

Resolved, That the sum of \$38 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to the Secretary of the Senate, for stationery purchased prior to the opening of the session from D. Johnston & Co., as per accompanying bill. The Controller of State is hereby authorized to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Jan. 3—To D. Johnston & Co., stationery----- \$38 00

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Constitutional Amendment No. 13—Relative to amending Section 12 of Article XIII of the Constitution, relating to poll-tax.

Also: Assembly Constitutional Amendment No. 19—Proposing to the people of the State of California an amendment to the Constitution of the State, viz.: to amend Section 1 of Article XIII, and to repeal Sections 4 and 5 of Article XIII of the Constitution.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

GILLETTE, Chairman.

Assembly Constitutional Amendments Nos. 13 and 19 ordered on special file for Assembly bills.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 239—An Act to amend Section 516 of the Civil Code.

Also: Assembly Bill No. 255—An Act to amend the Political Code by adding a new section, to be numbered 2664, relating to highway taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTER, Chairman.

Assembly Bills Nos. 239 and 255 ordered on special file for Assembly bills for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the accompanying bills, have had the same under consideration, and respectfully recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in the sum of \$168 05 in favor of the Sergeant-at-Arms of the Senate in payment of sundry bills hereto attached, and the Treasurer is directed to pay the same—the same payable out of the Contingent Fund of the Senate.

Mar. 1—H. S. Crocker & Co., ½ doz. shears	\$16 00
Feb. 28—Union Ice Co., ice.....	33 00
Mar. 1—Mrs. Magee, washing towels	8 50
Mar. 4—Jas. Cousins, carriage hire	3 00
Mar. 6—J. L. Martin, telephone and telegraphing	6 00
Feb. 15—The A. S. Hopkins Co., clothes rack	1 25
Mar. 3—Jas. Cousins, carriage hire	4 00
Feb. 28—John Breuner, sundries.....	32 00
Mar. 1—Capital Artesian Water Co., water and ice	64 30

Total----- \$168 05

FLINT, Chairman.

The question being on the adoption of the report and resolution.
The roll was called, and the same adopted by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Curtin, Cutter, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Stratton, and Trout—21.

NOES—None.

MOTION.

Senator Cutter moved that Senate Bill No. 43 be taken up and considered.

So ordered.

Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 43 passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Doty, Flint, Gillette, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

The consideration of the following resolution having been made a special order for this forenoon, on motion of Senator Gillette, it was taken up:

Resolved, That Senate Bills Nos. 272, 599, 591, 522, 558, 559, 560, 562, 565, 567, 570, 573, 574, 575, 576, 578, 582, 583, 584, 594, 595, 600, 604, 606, 609, 614, 616, 617, 626, 627, 629, 631, 633, 634, 637, 638, 640, 641, 643, 644, 645, 650, 651, 653, 654, 657, 666, 674, 679, 681, 682, 684, 685, 692, 694, 698, 707, 718, 719, 726, 727, 728, 729, and 730 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bills shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted and the provisions of Section 15 of Article IV of the Constitution suspended for the purpose above set forth by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—27.

NOES—Senator Davis—1.

SPECIAL ORDER SET.

On motion of Senator Gillette, the consideration of the foregoing bills was set for three o'clock and thirty minutes P. M. of this day.

WITHDRAWAL OF BILLS.

Senator Flint asked unanimous consent to withdraw Senate Bill No. 371—An Act to reorganize the State Board of Health, and to grant it additional powers.

Also: Senate Bill No. 298—An Act authorizing the Board of Trustees

of the State Library of the State of California to furnish offices in the State Capitol with modern metallic bookcases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor.

Consent granted.

Senate Bills Nos. 371 and 298 withdrawn and ordered stricken from the file.

SPECIAL ORDER.

The consideration of Committee Substitute for Senate Bill No. 308, heretofore set for this hour, was proceeded with.

Committee Substitute for Senate Bill No. 308—An Act to establish a uniform system of county and township governments.

The bill having been read second time down to Section 38 on a previous day, the second reading was proceeded with.

The question being on the adoption of the following pending amendment, offered by Senator Bulla on yesterday just before the hour of recess arrived:

Amend by inserting in Section 25, page 23, line 516, after the word "counties," the following: "outside of any incorporated city or town."

The ayes and noes were demanded by Senators Gillette, Bulla, and Taylor.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Flint, Gillette, Jones, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, and Trout—19.

NOES—Senators Ashe, Braunhart, Doty, Dwyer, Feeney, Hall, Hoey, Laird, La Rue, Sims, Stratton, and Taylor—12.

MOTION.

Senator Braunhart moved that Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people—be recalled from enrollment and transmitted to the Assembly.

So ordered.

SPECIAL ORDER—(RESUMED).

Consideration of Committee Substitute for Senate Bill No. 308.

The following amendments were offered by Senator Smith:

Amend by striking out of Section 25 all of subdivision 42.

Amendment adopted.

Also: Amend by striking out of Section 34, lines 1 and 2, the words "Great Register."

Amendment adopted.

By Senator Bulla:

Amend by striking out of Section 39, line 5, after the word "other," down to and including the word "Code" in line 8.

Amendment adopted.

By Senator Curtin:

Amend by inserting the words "or appointment" after the word "election," line 3, Section 54.

Amendment adopted.

Also: Amend by striking out all of Section 48.

Amendment lost.

By Senator Shortridge:

Amend by striking out all of Section 65.

Amendment lost.

By Senator Dickinson:

Amend Section 25, subdivision 4, line 49, page 10, printed bill, by inserting after the word "that," the following: "the Board of Supervisors shall appoint a Road Commissioner for each road district upon receiving a petition signed by a majority of the freeholders of such road district, and must appoint the person recommended by said petition, and the compensation of said Road Commissioner shall be three dollars per day when actually engaged in road work, payable out of the funds of their respective road districts; said Road Commissioners to have entire charge of all road work in their respective districts. Within ten days after the appointment of each Road Commissioner, he shall qualify as such by taking the oath of office and furnishing such bonds as the Board of Supervisors may require, said bonds to be approved by the Judge of the Superior Court, and said Road Commissioners shall hold office until the said freeholders, as above, shall petition for the appointment of another Road Commissioner.

Amendment lost.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Stratton, his motion to reconsider the vote whereby Assembly Constitutional Amendment No. 14—Amending the Constitution by adding a new section to Article IX, relative to exempting certain property from taxation—was refused adoption was postponed until three o'clock and thirty minutes P. M. of this day.

SPECIAL ORDER—(RESUMED).

The following amendments were offered to Committee Substitute for Senate Bill No. 308:

By Senator Morehouse:

Amend by inserting the following after the word "or," line 13, page 36, Section 66: "a majority of the."

Amendment adopted.

Also:

Amend Section 66 by inserting the following after the word "sale," page 37, line 22: "provided, any corporation authorized by and qualified by the general laws of this State to act as surety may act and be accepted as a surety."

Amendment adopted.

By Senator Gillette:

Amend by striking out of Section 83, line 8, all after the word "making" down to and including the word "mentioned," in line 25, and inserting the following: "special deposits for the safe-keeping of the public moneys, but he shall be liable therefor on his official bond."

During the discussion of the amendment, on motion, the further consideration of Senate Bill No. 308 was postponed.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour here-

tofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, March 8, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Dale, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—76.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Tuesday, March 7, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Tuesday, March 7, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Curtin and Prisk—2.

For John W. Hughes—Senators Ashe, Braunhart, Chapman, Doty, Dwyer, Langford, La Rue, Pace, and Sims—9.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	38
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	2 votes.
John W. Hughes received	9 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Lundquist, McKeen, Miller of San Francisco, Pierce, and Eugene Sullivan—16.

For U. S. Grant, Jr.—Messrs. Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lanceie, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, and Raw—18.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Bree—3.

For John W. Hughes—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Fairweather, Glenn, Griffin, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, and White—17.

For Stephen M. White—Messrs. Feliz and Wardell—2.

Whole number of votes cast by Assemblymen	72
W. H. L. Barnes received	15 votes.
M. M. Estee received	1 vote.
D. M. Burns received	16 votes.
U. S. Grant, Jr., received	18 votes.
Irving M. Scott received	3 votes.
John W. Hughes received	17 votes.
Stephen M. White received	2 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	110
Necessary to a choice	56
W. H. L. Barnes received	22 votes.
M. M. Estee received	1 vote.
D. M. Burns received	24 votes.
U. S. Grant, Jr., received	25 votes.

Irving M. Scott received	6 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	4 votes.
John W. Hughes received	26 votes.
James D. Phelan received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Thursday, March 9, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-five minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—31.

Quorum present.

RECESS.

At twelve o'clock and thirty-five minutes P. M., the hour of recess having arrived, the President of the Senate declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—27.

Quorum present.

CONSIDERATION OF SPECIAL FILE FOR ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 393—An Act to secure to native-born and naturalized citizens of the United States the exclusive right to labor on public works in this State.

Read third time.

Senator Dwyer moved to postpone further consideration of Assembly Bill No. 393 until next legislative day.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 393 refused final passage by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Dwyer, Feeney, Hall, Nutt, Shortridge, and Stratton—11.

NOES—Senators Chapman, Davis, Dickinson, Doty, Gillette, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Simpson, Sims, and Trout—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 393 was this day refused passage.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 39—An Act to apportion money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the concrete guttering, culverting, and macadamizing of Waring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, at Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 39 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Stratton, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Bulla moved that Committee Substitute for Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations—be substituted on file for Assembly Bill No. 441—An Act to amend Section 7 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Motion carried.

Committee Substitute for Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations.

Passed temporarily on file, on motion of Senator Bulla.

Assembly Bill No. 33—An Act to authorize agricultural societies to borrow money and secure the payment of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 33 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, and Stratton—27.

NOES—Senator Trout—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 416—An Act to add three new sections to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered, respectively, Sections 248, 249, and 250, relating to the committees of the respective houses of the Legislature, and to the duties of the Judiciary and standing committees thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 416 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, and Trout—25.

NOES—Senators Boyce, Burnett, Flint, Leavitt, and Stratton—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 147—An Act to amend Sections 2570 and 2571 of the Political Code of the State of California, relative to the Harbor-master of the Port of Eureka, and relative to the salaries of the members of the Board of Harbor Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 147 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, and Trout—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 690—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Passed on file.

Assembly Bill No. 597—An Act authorizing the Attorney-General to appoint a competent person to compile and index the opinions of the Attorneys-General of the State of California, and making an appropriation for the payment of such compilation and indexing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 597 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Smith, and Trout—22.

NOES—Senators Braunhart, Bulla, Burnett, Doty, La Rue, Pace, Rowell, Simpson, and Sims—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 206—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 206 refused passage by the following vote:

AYES—Senators Ashe, Boyce, Brauhart, Curtin, Davis, Doty, Hall, Hoey, La Rue, Maggard, and Rowell—11.

NOES—Senators Bettman, Bulla, Burnett, Chapman, Dickinson, Feeney, Flint, Gillette, Jones, Laird, Morehouse, Prisk, Shortridge, Sims, Smith, Stratton, and Trout—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Burnett gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 206 was this day refused passage.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Stratton, his motion to reconsider the vote whereby Assembly Constitutional Amendment No. 14—Amending the Constitution by adding a new section to Article IX, relative to exempting certain property from taxation—was refused adoption was postponed until Thursday forenoon, March 9, 1899.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Stratton:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bills shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof be suspended, and that Senator Stratton be and he is hereby permitted to introduce two bills, to be numbered 731 and 732.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 2 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Chapman, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—Senator Burnett—1.

INTRODUCTION OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been suspended, the following bills were introduced:

By Senator Stratton: Senate Bill No. 731—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 64½, relating to elections, by providing for the punishment of offenses at primary elections.

Read first time, and referred to Committee on Elections.

Also: Senate Bill No. 732—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Read first time, and referred to Committee on Finance and Claims.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly engrossed Senate Constitutional Amendment No. 1 (Substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18)—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, and 23, and repealing Section 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

JONES, Chairman.

Substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18 ordered on file.

MOTION.

Senator Smith moved that Assembly Bill No. 438 be taken up and considered.

So ordered.

Assembly Bill No. 438—An Act authorizing women to vote at school elections, and defining the qualifications of such voters.

The bill having been read third time on a previous day, the question was on its passage.

During the discussion, Senator Leavitt moved that the previous question be now put.

Motion carried.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 438 finally passed by the following vote:

AYES—Senators Brauhart, Bulla, Burnett, Chapman, Dickinson, Doty, Dwyer, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—24.

NOES—Senators Ashe, Feeney, Hall, Leavitt, Sims, and Wolfe—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived, the special order—the consideration of Senate bills, this day made cases of urgency—heretofore set for consideration for this hour, was proceeded with.

The following substitute bills, this day made cases of urgency, had been previously printed and laid upon the desks of Senators:

Senate Bill No. 272—An Act to make an appropriation to pay the claim of the San Francisco Bulletin, for advertising the constitutional amendments for the year 1896.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 272 passed by the following vote:

AYES—Senators Bettman, Boyce, Chapman, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Wolfe—26.

NOES—Senators Bulla and Trout—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 599—An Act making an appropriation to pay the claim of the San Francisco Bulletin, for advertising the constitutional amendments for the year 1898.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 599.

An Act to appropriate the sum of \$3,400 to pay the claim of the San Francisco Bulletin for money due and owing the said San Francisco Bulletin from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of thirty-four hundred dollars to pay the claim of San Francisco Bulletin, the said sum of thirty-four hundred dollars being now due and owing from the State of California to the said San Francisco Bulletin.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said San Francisco Bulletin for the said sum of thirty-four hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 599 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 591—An Act making an appropriation to pay the claim of the Marin County Tocsin, for advertising the constitutional amendments for the year 1898.

During second reading of the bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 591.

An Act to appropriate the sum of \$200 to pay the claim of Marin County Tocsin for money due and owing the said Marin County Tocsin from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of Marin County Tocsin dollars to pay the claim of Marin County Tocsin, the said sum of two hundred dollars being now due and owing from the State of California to the said Marin County Tocsin.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Marin County Tocsin for the said sum of two hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Senator Dickinson moved to amend the proposed substitute as follows:

Amend by striking out of Section 1, line 2, the words "Marin County Tocsin," and inserting the following: "two hundred."

Amendment adopted.

Substitute, as amended, adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 522—An Act to provide for the payment for the advertising of the constitutional amendments, and to make an appropriation therefor.

Read second time, and still open for amendment.

Senate Bill No. 558—An Act making an appropriation to pay the claim of the Daily Morning Union, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 558.

An Act to appropriate the sum of \$717 75 to pay the claim of the Daily Morning Union, Grass Valley, for money due and owing the said Daily Morning Union, Grass Valley, from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of seven hundred and seventeen and seventy-five one hundredths dollars to pay the claim of the Daily Morning Union, Grass Valley, the said sum of seven hundred and seventeen and seventy-five one hundredths dollars being now due and owing from the State of California to the said Daily Morning Union, Grass Valley.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Daily Morning Union, Grass Valley, for the said sum of seven hundred and seventeen and seventy-five one hundredths dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 558 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Laird, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, Simpson, Sims, Smith, Stratton, Taylor, and Trout—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 559—An Act making an appropriation to pay the claim of the Sierra Valley Record, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 559.

An Act to appropriate the sum of \$150 to pay the claim of the Sierra Valley Record for money due and owing the said Sierra Valley Record from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of one hundred and fifty dollars to pay the claim of the Sierra Valley Record, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said Sierra Valley Record.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Sierra Valley Record for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 559 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Laird, La Rue, Leavitt, Maggard, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, and Trout—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 560—An Act making an appropriation to pay the claim of the National Bulletin for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 560.

An Act to appropriate the sum of \$175 to pay the claim of the National Bulletin for money due and owing the said National Bulletin from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of one hundred and seventy-five dollars to pay the claim of the National Bulletin, the said sum of one hundred and seventy-five dollars being now due and owing from the State of California to the said National Bulletin.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said National Bulletin for the said sum of one hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 560 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Dickinson, Dwyer, Flint, Gillette, Hall, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Smith, Stratton, Taylor, and Trout—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 562—An Act making an appropriation to pay the claim of the Daily Transcript, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 562.

An Act to appropriate the sum of \$600 to pay the claim of the Nevada Daily Transcript for money due and owing the said Nevada Daily Transcript from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of the Nevada Daily Transcript dollars to pay the claim of the Nevada Daily Transcript, the said sum of six hundred dollars being now due and owing from the State of California to the said Nevada Daily Transcript.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Nevada Daily Transcript for the said sum of six hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read.

Senator Dickinson moved to amend proposed substitute as follows:

Amend by striking out of Section 1, line 2, the words "the Nevada Daily Transcript" and inserting the following: "six hundred."

Amendment adopted.

Substitute, as amended, adopted.

Bill read second time, ordered to print and engrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 736—An Act to appropriate the sum of \$575 to pay the claim of James H. Barry, for money due and owing to the said James H. Barry from the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

DICKINSON, Chairman.

BILL SUBSTITUTED ON FILE.

On motion of Senator Dickinson, unanimous consent was granted Senator Braunhart to withdraw Senate Bill No. 565—An Act to appropriate the sum of \$575 to pay the claim of James H. Barry, for money due and owing to the said James H. Barry from the State of California.

Senate Bill No. 565 withdrawn, ordered stricken from the file, and Assembly Bill No. 736, an identical bill, substituted therefor on file.

Assembly Bill No. 736—An Act to appropriate the sum of \$575 to pay the claim of James H. Barry for money due and owing to the said James H. Barry from the State of California.

Read second time, and ordered to third reading.

RECESS.

At four o'clock and fifty minutes P. M., on motion of Senator Morehouse, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Doty, Dwyer, Flint, Hoey, Jones, Laird, La Rue, Luchsinger, Nutt, Prisk, Rowell, Smith, Stratton, Taylor, and Trout—23.

Quorum present.

MOTION.

Senator Bettman moved to take up and consider messages from the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 950—An Act to provide for certain improvements and repairs at the State Normal School at San José, and making an appropriation therefor.

Also: Assembly Bill No. 455—An Act to appropriate the sum of \$1,000 to pay the claim of John C. Pelton, for money due and owing the said John C. Pelton from the State of California.

Also: Assembly Bill No. 585—An Act to amend Section 529 of the Code of Civil Procedure of the State of California, relating to injunctions, approved April 15, 1880.

Also: Assembly Bill No. 618—An Act making an appropriation to pay the claim of the Office Specialty Manufacturing Company, for metallic furniture furnished the Clerk of the Supreme Court at Sacramento.

Also: Assembly Bill No. 742—An Act to amend Section 290 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to articles of incorporation.

Also: Assembly Bill No. 995—An Act to create and regulate public warehouses within the State of California, and to provide a penalty for violations of the provisions of this Act.

Also: Assembly Bill No. 305—An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible.

Also: Assembly Bill No. 506—An Act to amend Sections 3, 5, 6, and 8, of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Also: Assembly Bill No. 331—An Act to amend Section 2653 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes.

Also: Assembly Bill No. 677—An Act to regulate the business of commission merchants, agents, factors, or brokers, dealing in farm produce, poultry, grain, fruit, seeds, honey, or dairy produce.

Also: Adopted a resolution asking the Senate to return to the Assembly for correction Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 950 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 455 read first time, and ordered on special file for Assembly bills for second reading, without reference to committee.

Assembly Bill No. 585 referred to Committee on Judiciary.

Assembly Bill No. 618 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 742 read first time, and referred to Committee on Corporations.

Assembly Bill No. 995 read first time, and referred to Committee on Commerce, Rivers, and Harbors.

Assembly Bill No. 305 read first time, and ordered on special file for Assembly bills for second reading, without reference to committee.

Assembly Bill No. 506 read first time, and referred to Committee on Hospitals, Health, and Quarantine.

Assembly Bill No. 331 read first time, and ordered on special file for Assembly bills for second reading, without reference to committee.

Assembly Bill No. 677 read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

WITHDRAWAL OF BILL.

Senator Doty asked unanimous consent to withdraw Senate Bill No. 374—An Act to amend Section 2653 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes.

Consent granted.

Senate Bill No. 374 withdrawn and ordered stricken from the file.

The Secretary was directed to return to the Assembly Senate Bill No. 54, as requested by that body.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendment No. 1 to Assembly Bill No. 4—An Act to

create an Exempt Fireman's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and service as firemen of such exempt firemen—and respectfully refuse to concur in Senate Amendment No. 2 to said bill, and ask that the Senate recede therefrom; that in case of the Senate not receding, the Assembly has appointed Assemblymen Johnson, Eugene Sullivan, and Kelley as a committee of conference on behalf of the Assembly to meet a like committee from the Senate.

Also: Concurred in Senate amendments to Assembly Bill No. 322—An Act to amend Section 1142 of the Political Code, relating to elections.

Also: Concurred in Senate amendments to Assembly Bill No. 274—An Act making an appropriation to pay the claim of I. H. Polk against the State of California.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

The question being, "Shall the Senate recede from the following Senate amendment to Assembly Bill No. 4?"

Amend by striking out of Section 4, lines 2 and 3, the words and figures "containing a population of twenty thousand, or over (20,000)," and inserting the following: "of the first and second class."

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Bulla moved a call of the Senate.

Motion carried.

Time, eight o'clock and thirty minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Smith, Taylor, Trout, and Wolfe—29.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and thirty-five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Braunhart.

The roll of absentees was called, and the President pro tem. announced that the Senate had receded from its amendment by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Laird, La Rue, Leavitt, Morehouse, Pace, Prisk, Taylor, Trout, and Wolfe—21.

NOES—Senators Curtin, Davis, Feeney, Jones, Luchsinger, Nutt, Rowell, and Smith—8.

NOTICE OF MOTION TO RECONSIDER.

Senator Dickinson gave notice that on to-morrow he would move a reconsideration of the vote whereby the Senate had receded from its amendment to Assembly Bill No. 4.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills: Senate Bill No. 300—An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam, and other improvements by the managers of the Napa State Hospital, at Napa, and appropriating money therefor.

Also: Senate Bill No. 252—An Act to repeal an Act entitled "An Act authorizing the Controller to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as the Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year"; to create the office of Expert to the Controller, and prescribing his compensation.

Also: Senate Bill No. 93—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 3748 of the Political Code, relating to revenue and taxation.

Also: Senate Bill No. 6—An Act to provide for certain improvements and repairs at the State Normal School at Los Angeles, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 277—An Act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United States volunteer service; also, the expenses incurred in reorganizing the National Guard and to result therefrom; and making an appropriation to pay the same.

And report that the same have been correctly enrolled, and presented the same to the Governor on this eighth day of March, 1899, at four o'clock and forty minutes P. M.

Also: Found correctly reengrossed Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges, and making an appropriation therefor.

Also: Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

Also: Found correctly engrossed Senate Bill No. 70—An Act to appropriate \$11,500 for the furnishing of the administration building and two male wards of the Mendocino State Hospital; to make the necessary changes in attics to protect the hospital buildings against fire; to appropriate money therefor, and provide for the expenditure of the same.

Also: Senate Bill No. 86—An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital; said buildings to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital; to appropriate money therefor, and provide for the expenditure of the same.

JONES, Chairman.

Senate Bill No. 325 ordered on file for passage.

Senate Bills Nos. 524, 70, and 86 ordered on file for third reading.

SUBSTITUTE ORDERED TO PRINT.

On motion of Senator Dickinson, his proposed substitute for Committee Substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18 was ordered to print.

SENATE SPECIAL FILE.

Senate Bill No. 70—An Act to appropriate eleven thousand five hundred (\$11,500) dollars for the furnishing of the administration building and two male wards of the Mendocino State Hospital; to make the necessary changes in attics to protect the hospital buildings against fire; to appropriate money therefor, and provide for the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 70 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Chapman, Davis, Dickinson, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Smith, Stratton, Taylor, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 86—An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital; said buildings to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital; to appropriate money therefor, and provide for the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 86 passed by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 426—An Act to amend Sections 2520 and 2552 of the Political Code, relating to the Board of State Harbor Commissioners.

Read third time.

Senator Morehouse moved that the further consideration of the bill be postponed until Friday, March 10, 1899.

The question being on the motion to postpone consideration.

The ayes and noes were demanded by Senators Prisk, Brauhart, and Chapman.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bulla, Flint, Leavitt, Morehouse, Shortridge, Taylor, and Wolfe—7.

NOES—Senators Ashe, Bettman, Boyce, Brauhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Sims, Smith, and Trout—26.

EXCUSED FROM VOTING.

The Secretary read the following explanatory request:

Senator Stratton requests to be excused from voting upon Senate Bill No. 426, upon the ground that he has been and is now employed as special counsel for the Board of State Harbor Commissioners, and has a claim for services pending before such board.

On motion of Senator Davis, and by unanimous vote, Senator Stratton was excused from voting.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 426 refused passage by the following vote:

AYES—Senators Bettman, Bulla, Flint, Laird, Leavitt, Morehouse, Shortridge, Taylor, and Wolfe—9.

NOES—Senators Ashe, Boyce, Brauhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Sims, Smith, and Trout—25.

NOTICE OF MOTION TO RECONSIDER.

Senator Dickinson gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 426 was refused passage.

Senate Bill No. 264—An Act to prohibit the use of stagnant water in the drinking troughs used by domestic animals, and to prevent the spread of infectious diseases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 264 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Chapman, Curtin, Doty, Dwyer, Feeney, Flint, Hall, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Smith, Stratton, Taylor, and Trout—24.

NOES—Senators Bulla, Dickinson, Jones, and Laird—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 218—An Act to amend an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, and compelling all banks to publish sworn statements of unclaimed deposits.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 218 passed by the following vote:

AYES—Senators Bettman, Bulla, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 210 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Chapman, Curtin, Davis, Doty, Dwyer, Feeney, Flint, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At ten o'clock and twenty minutes P. M., on motion of Senator Morehouse, the Senate was declared adjourned until nine o'clock and thirty minutes A. M. of Thursday, March 9, 1899.

IN SENATE.

SENATE CHAMBER,
Thursday, March 9, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Luch-singer, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Strat-ton, Taylor, and Trout—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, March 8, 1899, was read.
The Journal of Monday, March 6, 1899, was approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 105—An Act for the relief of district agricultural associations or district agricultural societies.

Also: Assembly Bill No. 309—An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern metallic bookcases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, by request of the Senate.

DICKINSON, Chairman.

Assembly Bills Nos. 105 and 309 ordered on special file of Assembly bills for second reading.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the sum of \$193 75 be and the same is hereby appropriated, payable out of the Contingent Fund of the Senate, to pay the traveling expenses of the special committee of Finance and Claims and State Prisons and Prison Buildings, empowered by resolution to visit and inspect the State Prison at San Quentin February 24, 1899, and the State Controller is hereby directed to draw his warrant for \$193 75 in favor of the Sergeant-at-Arms of the Senate, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Hooy, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Sims, Stratton, and Trout—21.

NOES—None

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the pay of \$5 per diem be allowed Paul M. Gregg from February 4 to February 21, 1899, the same payable out of the Contingent Fund of the Senate, for indexing the Senate Journal and Senate bills at the request and under the direction of the Secretary of the Senate, and he be instructed to continue said work to the end of the present session at the same compensation.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—25.

NOES—None.

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the Governor's disapproval of Senate Bill No. 10—have had the same under consideration, and respectfully report it back, and recommend that the veto of the Governor, on the above bill, be sustained.

BURNETT, Chairman.

SPECIAL ORDER SET.

On motion of Senator Bulla, the consideration of the several reports from the above committee now before the Senate were made a special order for this day, to follow the consideration of special file of Assembly bills.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT.

On motion of Senator Cutter, Assembly Constitutional Amendment No. 19 was taken up for the purpose of amendment.

Assembly Constitutional Amendment No. 19—Proposing to the people of the State of California an amendment to the Constitution of the State, viz.: to amend Section 1 of Article XIII, and to repeal Sections 4 and 5 of Article XIII of the Constitution.

Constitutional amendment read.

The following amendment was offered by Senator Cutter:

Amend by striking out of Section 1, line 9, the words "mortgages, trust deeds," and inserting the following in lieu thereof: "mortgages and trust deeds, together with the debts thereby secured."

Amendment adopted.

Constitutional amendment ordered to print.

On motion of Senator Dickinson, Assembly Bill No. 464—An Act to amend Section 296 of the Civil Code of the State of California, relating to the filing of articles of incorporation with the County Clerk and Secretary of State, and the issuance of certificate, and the effect of such certificate—was taken up for the purpose of amendment.

During the second reading of bill, the following amendment was offered by Senator Dickinson:

Amend by adding to Section 1 the words "except as to corporations which have not commenced business under their articles of incorporation or have at any time ceased, for the period of one year, to transact business in good faith under such certificate; and provided further, that corporations, if any, against which proceedings are pending, shall not be affected hereby;" also, strike out the period on line 19 of Section 1.

Amendment adopted.

Read second time, and bill ordered to print.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 417—An Act to provide for the construction of a free wagon road from Tallac to McKinney's, along the western shore of Lake Tahoe, and making an appropriation therefor.

Also: Assembly Bill No. 542—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for his salary and expenditures provided for and authorized by this Act."

Also: Assembly Bill No. 385—An Act regulating the mode of operating mines where blasting is being done.

Also: Assembly Bill No. 414—An Act entitled "An Act to amend Section 3009 of the Political Code, relating to the appointment of officers and employes by the San Francisco Board of Health."

Also: Assembly Bill No. 987—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 13, 1878, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Also: Assembly Bill No. 731—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Sections 852, 862, 874, and 875 thereof.

Also: Assembly Bill No. 283—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Also: Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace.

Also: Senate Bill No. 215—An Act for the relief of Julius A. Holt, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service.

Also: Amended, and passed as amended, Senate Bill No. 324—An Act appropriating five thousand dollars (\$5,000) to pay the claim of Addie McGinness.

Also: Passed Senate Bill No. 440—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

Also: Senate Bill No. 80—An Act to add a new section to the Civil Code of the State of California, to be numbered 3443.

Also: Senate Bill No. 68—An Act to amend Section 2 and Section 38 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, concerning changes in the grade of streets.

Also: Senate Bill No. 695—An Act to amend Section 5 of an Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made, approved March 24, 1893.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 283 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 417 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 542 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 385 read first time, and referred to Committee on Mines, Drainage, and Débris.

Assembly Bill No. 414 read first time, and referred to Committee on Hospitals, Health, and Quarantine.

Assembly Bill No. 987 read first time, and referred to Committee on Banks and Banking.

Assembly Bill No. 731 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Senate Bills No. 105, 215, 440, 80, 68, and 695 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 324?"

Amend by striking out of Section 4, lines 1 and 2, the words "from and after its passage," and inserting the following: "January first, nineteen hundred."

The roll was called, and the Assembly amendment concurred in by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Jones, Luchsinger, Nutt, Shortridge, Sims, Stratton, Taylor, and Trout—21.

NOES—None.

SPECIAL ORDERS POSTPONED.

On motion of Senator Dickinson, the special order heretofore set for this hour, being the consideration of Senate Bill No. 308—An Act to establish a uniform system of county and township governments—was postponed until three o'clock and thirty minutes P. M. of this day, to follow other special order for that hour.

On motion of Senator Boyce, the consideration of Senate Bill No. 4—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor"—heretofore set as a special order for this hour, was postponed until Monday, March 13, 1899, immediately after reading of the Journal.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Dickinson moved a reconsideration of the vote whereby the Senate had receded from its amendment to Assembly Bill No. 4—An Act to create an Exempt Fireman's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and service as firemen of such exempt firemen.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Nutt, Prisk, Rowell, Sims, Smith, Stratton, Taylor, and Trout—23.

NOES—Senator Laird—1.

The question being, "Shall the Senate recede from the following Senate amendment to Assembly Bill No. 4?"

Amend by striking out of Section 4, lines 2 and 3, the words and figures "containing a population of twenty thousand, or over (20,000)," and inserting the following: "of the first and second class."

The roll was called, and the Senate refused to recede from its amendment to Assembly Bill No. 4 by the following vote:

AYES—Senator Laird—1.

NOES—Senators Ashe, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Nutt, Prisk, Rowell, Sims, Smith, Stratton, Taylor, and Trout—23.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In accordance with the request of the Assembly, the President appointed Senators Boyce, Doty, and Burnett a committee of conference on Assembly Bill No. 4.

MOTION.

Senator Leavitt moved to take up and consider messages from the Assembly.

So ordered.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted a resolution relative to Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall, thoroughfare, and belt-line railroad of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—viz.: that said bill be recommitted to the committee of free conference heretofore appointed, and that a message be sent to the Senate informing the Senate that the Assembly has reconsidered the vote by which the report of the committee of free conference was adopted, and the vote upon the final passage of the bill as amended in free conference; also, requesting the Senate to reconsider the vote adopting the report of the free conference committee, and the vote upon the final passage of the bill as amended in free conference; also, requesting the Senate to recommit the bill to the committee of free conference.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

MOTION.

Senator Braunhart moved that the vote by which Senate Bill No. 54 was passed, after being amended in free conference, and the vote adopting the report of the committee of free conference, be reconsidered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Curtin, Cutter, Davis, Doty, Dwyer, Hall, Langford, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—23.

NOES—Senator Laird—1.

Senator Braunhart moved that Senate Bill No. 54 be recommitted to the committee of free conference, heretofore appointed, viz.: Senators Dickinson, Stratton, and Braunhart.

So ordered.

CASES OF URGENCY.

On motion of Senator Dickinson, the consideration of Senate bills made cases of urgency on yesterday was proceeded with.

Senate Bill No. 522—An Act to provide for the payment for the advertising of the constitutional amendments, and to make an appropriation therefor.

The bill having been read second time on yesterday, but still open to amendment.

The following amendments were offered by Senator Dickinson:

Amend by striking out of Section 1, line 15, the words "three hundred and fifty," and inserting in lieu thereof the words "two hundred."

Amendment adopted.

Also: Strike out of Section 1, lines 1 and 2, the words and figures "twelve hundred and fifteen dollars (\$1,215)," and insert in lieu thereof the words and figures "ten hundred and sixty-five (\$1,065) dollars."

Amendment adopted.

Also: Strike out Section 3 and insert: "SEC. 3. This Act shall take effect January one, nineteen hundred."

Amendment adopted.

Bill ordered to print and engrossment.

Senate Bill No. 567—An Act making an appropriation to pay the claim of the Tribune Publishing Company, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 567.

An Act to appropriate the sum of \$2,160 to pay the claim of the Oakland Tribune for money due and owing the said Oakland Tribune from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of two thousand one hundred and sixty dollars to pay the claim of the Oakland Tribune, the said sum of two thousand one hundred and sixty dollars being now due and owing from the State of California to the said Oakland Tribune.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Oakland Tribune for the said sum of twenty-one hundred and sixty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 567 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Chapman, Curtin, Dickinson, Doty, Dwyer, Flint, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Smith, Stratton, Taylor, and Trout—24.

NOES—Senator Jones—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 570—An Act making an appropriation to pay the claim of the Press-Democrat, for publishing proposed constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 570.

An Act to appropriate the sum of \$450 to pay the claim of Santa Rosa Press-Democrat, for money due and owing the said Santa Rosa Press-Democrat from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of four hundred and fifty dollars to pay the claim of Santa Rosa Press-Democrat, the said sum of four hundred and fifty dollars being now due and owing from the State of California to the said Santa Rosa Press-Democrat.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Santa Rosa Press-Democrat for the said sum of four hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 570 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Hall, Laird, La Rue, Leavitt, Maggard, Prisk, Rowell, Shortridge, Smith, Stratton, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 573—An Act making an appropriation to pay the claim of the Sun, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 573.

An Act to appropriate the sum of \$450 to pay the claim of San Diego Sun Publishing Company, for money due and owing the said San Diego Sun Publishing Company from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of four hundred and fifty dollars to pay the claim of San Diego Sun Publishing Company, the said sum of four hundred and fifty dollars being now due and owing from the State of California to the said San Diego Sun Publishing Company.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said San Diego Sun Publishing Company for the said sum of four hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 573 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Cutter, Doty, Dwyer, Feeney, Flint, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Stratton, Taylor, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 574—An Act making an appropriation to pay the claim of the Record, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 574.

An Act to appropriate the sum of \$550 to pay the claim of the Los Angeles Record, for money due and owing the said Los Angeles Record from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of five hundred and fifty dollars to pay the claim of the Los Angeles Record, the said sum of five hundred and fifty dollars being now due and owing from the State of California to the said Los Angeles Record.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Los Angeles Record for the said sum of five hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 574 passed by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Doty, Feeney, Flint, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—22.

NOES—Senator Jones—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 575—An Act making an appropriation to pay the claim of the Report, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 575.

An Act to appropriate the sum of \$2,000 to pay the claim of the San Francisco Report, for money due and owing the said San Francisco Report from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two thousand dollars to pay the claim of the San Francisco Report, the said sum of two thousand dollars being now due and owing from the State of California to the said San Francisco Report.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said San Francisco Report for the said sum of two thousand dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 575 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Doty, Dwyer, Feeney, Flint, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Prisk, Rowell, Shortridge, Stratton, Taylor, and Trout—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 576—An Act making an appropriation to pay the claim of A. W. Voorsanger, publisher of the Emanu-El, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 576.

An Act to appropriate the sum of \$300 to pay the claim of Emanu-El for money due and owing the said Emanu-El from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of three hundred dollars to pay the claim of Emanu-El, the said sum of three hundred dollars being now due and owing from the State of California to the said Emanu-El.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Emanu-El for the said sum of three hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 576 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Cutter, Doty, Dwyer, Flint, Hall, Jones, Laird, La Rue, Leavitt, Maggard, Prisk, Rowell, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 578—An Act making an appropriation to pay the claim of the Sacramento Publishing Company, publishers of the Record-Union, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 578.

An Act to appropriate the sum of \$900 to pay the claim of the Sacramento Publishing Company, Record-Union, for money due and owing the said Sacramento Publishing Company, Record-Union, from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of nine hundred dollars to pay the claim of Sacramento Publishing Company, Record-Union, the said sum of nine hundred dollars being now due and owing from the State of California to the said Sacramento Publishing Company, Record-Union.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Sacramento Publishing Company, Record-Union, for the said sum of nine hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 578 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunnhart, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Prisk, Rowell, Shortridge, Smith, Stratton, and Taylor—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 582—An Act making an appropriation to pay the claim of J. L. Phelps & Co., publishers of the Stockton Daily Independent, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 582.

An Act to appropriate the sum of \$900 to pay the claim of the Daily Independent, Stockton, for money due and owing the said Daily Independent, Stockton, from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of nine hundred dollars to pay the claim of the Daily Independent, Stockton, the said sum of nine hundred dollars being now due and owing from the State of California to the said Daily Independent, Stockton.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Independent, Stockton, for the said sum of nine hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 582 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Cutter, Doty, Dwyer, Flint, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Prisk, Rowell, Shortridge, Smith, Taylor, and Trout—22.

NOES—Senator Jones—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 583—An Act making an appropriation to pay the claim of Colnon & Nunan, publishers of the Stockton Mail, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 583.

An Act to appropriate the sum of \$900 to pay the claim of Stockton Mail, for money due and owing the said Stockton Mail from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of nine hundred dollars to pay the claim of Stockton Mail, the said sum of nine hundred dollars being now due and owing from the State of California to the said Stockton Mail.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Stockton Mail for the said sum of nine hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 583 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Cutter, Doty, Dwyer, Hall, Laird, Langford, La Rue, Leavitt, Maggard, Prisk, Rowell, Smith, Stratton, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 584—An Act making an appropriation to pay the claim of the San Francisco Chronicle, for advertising the constitutional amendments for the year 1898.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 584.

An Act to appropriate the sum of \$3,450 to pay the claim of the San Francisco Chronicle, for money due and owing the said San Francisco Chronicle from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of three thousand four hundred and fifty dollars to pay the claim of the San Francisco Chronicle, the said sum of three thousand four hundred and fifty dollars being now due and owing from the State of California to the said San Francisco Chronicle.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said San Francisco Chronicle for the said sum of three thousand four hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 584 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Cutter, Doty, Dwyer, Flint, Gillette, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Shortridge, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senator Jones—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 594—An Act making an appropriation to pay the claim of William O'Brien, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 594.

An Act to appropriate the sum of \$125 to pay the claim of William O'Brien, Sutter Independent, for money due and owing said Sutter Independent from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and twenty-five dollars to pay the claim of William O'Brien, Sutter Independent, the said sum of one hundred and twenty-five dollars being now due and owing from the State of California to the said William O'Brien, Sutter Independent.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said William O'Brien, Sutter Independent, for the said sum of one hundred and twenty-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 594 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Doty, Dwyer, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 698—An Act making an appropriation to pay the claim of the Daily Independent, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 698.

An Act to appropriate the sum of \$300 to pay the claim of the Daily Independent, for money due and owing the said Daily Independent from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of three hundred dollars to pay the claim of the Daily Independent, the said sum of three hundred dollars being now due and owing from the State of California to the said

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Daily Independent for the said sum of three hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Senator Boyce moved to amend the proposed amendment as follows:

Amend by adding in Section 1, line 5, after the word "said," the words "Daily Independent."

Amendment adopted.

Substitute, as amended, adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 595—An Act making an appropriation to pay the claim of the Sutter Publishing Company, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 595.

An Act to appropriate the sum of \$175 to pay the claim of Sutter Publishing Company, for money due and owing the said Sutter Publishing Company from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and seventy-five dollars to pay the claim of Sutter Publishing Company, the said sum of one hundred and seventy-five dollars being now due and owing from the State of California to the said Sutter Publishing Company.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Sutter Publishing Company for the said sum of one hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 595 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 600—An Act making an appropriation to pay the claim of the Mercury Publishing and Printing Company, for advertising the constitutional amendments for the year 1898.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 600.

An Act to appropriate the sum of \$1,000 to pay the claim of Mercury Publishing and Printing Company (Commercial Savings Bank, assignee), for money due and owing the said Mercury Publishing and Printing Company (Commercial Savings Bank, assignee) from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one thousand dollars to pay the claim of Mercury Publishing and Printing Company (Commercial Savings Bank, assignee), the said sum of one thousand dollars being now due and owing from the State of California to the said Mercury Publishing and Printing Company (Commercial Savings Bank, assignee).

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Mercury Publishing and Printing Company (Commercial Savings Bank, assignee) for the said sum of one thousand dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 600 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Sims, Smith, Taylor, Trout, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 604—An Act making an appropriation to pay the claim of the Yreka Journal, for advertising the constitutional amendments for the year 1898.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 604.

An Act to appropriate the sum of \$175 to pay the claim of the Yreka Journal, for money due and owing the said Yreka Journal from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and seventy-five dollars to pay the claim of the Yreka Journal, the said sum of one hundred and seventy-five dollars being now due and owing from the State of California to the said Yreka Journal.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Yreka Journal for the said sum of one hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 604 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Chapman, Doty, Flint, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Sims, Smith, Stratton, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 606—An Act making an appropriation to pay the claim of the Alturas Plaindealer, for advertising the constitutional amendments for the year 1898.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 606.

An Act to appropriate the sum of \$150 to pay the claim of the Alturas Plaindealer, for money due and owing the said Alturas Plaindealer from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and fifty dollars to pay the claim of the Alturas Plaindealer, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said Alturas Plaindealer.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Alturas Plaindealer for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 606 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Chapman, Cutter, Doty, Dwyer, Flint, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Pace, Prisk, Shorridge, Sims, Smith, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 609—An Act making an appropriation to pay the claim of the Record Publishing Company, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 609.

An Act to appropriate the sum of \$750 to pay the claim of the Daily Record Publishing Company, Stockton, for money due and owing the said Daily Record Publishing Company, Stockton, from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of seven hundred and fifty dollars to pay the claim of the Daily Record Publishing Company, Stockton, the said sum of seven hundred and fifty dollars being now due and owing from the State of California to the said Daily Record Publishing Company, Stockton.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Daily Record Publishing Company, Stockton, for the said sum of seven hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 609 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Doty, Dwyer, Flint, Gillette, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Sims, Smith, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 616—An Act making an appropriation to pay the claim of the Contra Costa Gazette, for publishing the constitutional amendments for the year 1898.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 616.

An Act to appropriate the sum of \$375 to pay the claim of Contra Costa Gazette, for money due and owing the said Contra Costa Gazette from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of three hundred and seventy-five dollars to pay the claim of the Contra Costa Gazette, the said sum of three hundred and seventy-five dollars being now due and owing from the State of California to the said Contra Costa Gazette.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Contra Costa Gazette for the said sum of three hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 616 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Curtin, Cutter, Doty, Dwyer, Flint, Gillette, Jones, La Rue, Leavitt, Luchsinger, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 617—An Act making an appropriation to pay the claim of the San Francisco Abend Post, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 617.

An Act to appropriate the sum of \$450 to pay the claim of San Francisco Abend Post, for money due and owing the said San Francisco Abend Post from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of four hundred and fifty dollars to pay the claim of San Francisco Abend Post, the said sum of four hundred and fifty dollars being now due and owing from the State of California to the said San Francisco Abend Post.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant

in favor of the said San Francisco Abend Post for the said sum of four hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 617 passed by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Chapman, Cutter, Doty, Dwyer, Flint, Gillete, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 627—An Act making an appropriation to pay the claim of the Daily and Weekly Sentinel, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 627.

An Act to appropriate the sum of \$350 to pay the claim of the Daily and Weekly Sentinel, for money due and owing the said Daily and Weekly Sentinel from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of three hundred and fifty dollars to pay the claim of the Daily and Weekly Sentinel, the said sum of three hundred and fifty dollars being now due and owing from the State of California to the said Daily and Weekly Sentinel.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Daily and Weekly Sentinel for the said sum of three hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 627 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Doty, Dwyer, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Pace, Prisk, Rowell, Smith, Stratton, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 626—An Act making an appropriation to pay the claim of the Daily and Weekly News, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 626.

An Act to appropriate the sum of \$150 to pay the claim of Daily and Weekly News, Red Bluff, for money due and owing the said Daily and Weekly News, Red Bluff, from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and fifty dollars to pay the claim

of Daily and Weekly News, Red Bluff, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said Daily and Weekly News, Red Bluff.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Daily and Weekly News, Red Bluff, for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 626 passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Doty, Dwyer, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 629—An Act to provide for the payment of \$400 to Ed E. Leake, proprietor of the Woodland Democrat, for the advertising of the constitutional amendments, voted for at the general election held in 1898, and making an appropriation therefor.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 629.

An Act to appropriate the sum of \$250 to pay the claim of Democratic Printing House (Leake), for money due and owing the said Democratic Printing House (Leake) from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two hundred and fifty dollars to pay the claim of Democratic Printing House (Leake), the said sum of two hundred and fifty dollars being now due and owing from the State of California to the said Democratic Printing House (Leake).

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Democratic Printing House (Leake) for the said sum of two hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 629 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Cutter, Doty, Dwyer, Flint, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 631—An Act making an appropriation to pay the claim of H. B. Martin & Son, proprietors of the San Bernardino Evening Transcript, for publishing the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 631.

An Act to appropriate the sum of \$150 to pay the claim of Evening Transcript, San Bernardino, for money due and owing the said Evening Transcript, San Bernardino, from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and fifty dollars to pay the claim of Evening Transcript, San Bernardino, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said Evening Transcript, San Bernardino.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Evening Transcript, San Bernardino, for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 631 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Dwyer, Flint, Jones, Laird, Langford, La Rue, Maggard, Nutt, Pace, Prisk, Rowell, Sims, Smith, Stratton, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 633—An Act to provide for the payment for the advertising of the constitutional amendments, and making an appropriation therefor.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 633.

An Act to appropriate the sum of \$4,000 to pay the claim of the Examiner (W. R. Hearst), for money due and owing the said Examiner (W. R. Hearst) from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of four thousand dollars to pay the claim of the Examiner (W. R. Hearst), the said sum of four thousand dollars being now due and owing from the State of California to the said Examiner (W. R. Hearst).

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Examiner (W. R. Hearst) for the said sum of four thousand dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read.

The question being on the adoption of the substitute.

The ayes and noes were demanded by Senators Bettman, Wolfe, and Boyce.

The roll was called, and the substitute adopted by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Chapman, Cutter, Davis, Dickinson, Doty, Gillette, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Nutt, Rowell, Simpson, Sims, Smith, and Trout—21.

NOES—Senators Bettman, Braunhart, Burnett, Curtin, Dwyer, Feeney, Hall, Leavitt, Prisk, Shortridge, Stratton, and Wolfe—12.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 633 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Prisk, Rowell, Sims, Smith, Stratton, Trout, and Wolfe—26.

NOES—Senators Bettman, Feeney, and Shortridge—3

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 731—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 64½, relating to elections, by providing for the punishment of offenses at primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STRATTON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Stratton:

Resolved, That Senate Bill No. 731 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—27.

NOES—None.

Senate Bill No. 731—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 64½, relating to elections, by providing for the punishment of offenses at primary elections.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 731 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Stratton, his motion to reconsider the vote whereby Assembly Constitutional Amendment No. 14—Amending the

Constitution by adding a new section to Article IX, relative to exempting certain property from taxation — was refused adoption, was postponed until three o'clock and thirty minutes P. M. of this day, or following the consideration of the special file of Assembly bills.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received and ordered printed in the Journal:

STATE CAPITOL, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your committee of free conference, to whom was recommittees Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall, thoroughfare and belt-line railroad of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—have had the same under consideration, and beg leave to report the same back to your honorable body, and recommend that said bill do pass as amended, as follows:

Amend Section 1 of printed bill by striking out the word "southward," after the word "Francisco," in line 5, page 2.

Also: Amend Section 6 of printed bill by striking out the words "United States," after the word "required," in line 42, page 7; and we recommend, further, that the report of this committee heretofore adopted and reconsidered be readopted.

BRAUNHART,
DICKINSON,
STRATTON,

Committee of Free Conference of the Senate.

H. W. MILLER,
KNOWLAND,
CAMINETTI.

Committee of Free Conference of the Assembly.

CONSIDERATION OF BILLS MADE CASES OF URGENCY—(RESUMED).

Senate Bill No. 637—An Act providing for the allowance and payment of the claim of H. H. Granice against the State of California, and making an appropriation therefor.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 637.

An Act to appropriate the sum of \$150 to pay the claim of the Index-Tribune, for money due and owing the said Index-Tribune from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and fifty dollars to pay the claim of the Index-Tribune, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said Index-Tribune.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Index-Tribune for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 637 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Chapman, Curtin, Dickinson, Dwyer, Gillette, Hall, Laird, Langford, La Rue, Leavitt, Maggard, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, March 9, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—38.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Blood, Boone, Boynton, Brooke, Brown, Burnett, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—76.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Wednesday, March 8, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, March 8, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—11.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators	38
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	11 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentz, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Johnson, Kelsey, Kenneally, Lundquist, McKee, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.

For U. S. Grant, Jr.—Messrs. Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Barea—3.

For Marion De Vries—Messrs. Brooke and Fairweather—2.

For Stephen M. White—Messrs. Boone, Cowan, Feliz, Griffin, Hanley, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—14.

For James D. Phelan—Messrs. Burnett, Glenn, and Hoey—3.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	75
W. H. L. Barnes received	15 votes.
M. M. Estee received	1 vote.
D. M. Burns received	17 votes.
U. S. Grant, Jr., received	19 votes.
Irving M. Scott received	3 votes.
Marion De Vries received	2 votes.
Stephen M. White received	14 votes.
James D. Phelan received	3 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	113
Necessary to a choice.....	57
W. H. L. Barnes received.....	22 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	25 votes.
U. S. Grant, Jr., received.....	26 votes.
Irving M. Scott received.....	6 votes.
Marion De Vries received.....	2 votes.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	25 votes.
James D. Phelan received.....	4 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-two minutes P. M., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Friday, March 10, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—31.

Quorum present.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Leavitt, in compliance with his notice given on yesterday, moved that the vote whereby Assembly Bill No. 393—An Act to secure to native sons and naturalized citizens of the United States the exclusive right to labor on public works in this State—was refused passage, be reconsidered.

The motion was seconded.

Senator Leavitt moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 393 was refused passage be postponed until Friday, March 10, 1899.

So ordered.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Ashe:

Resolved, That the sum of \$27 29 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to the Postal Telegraph Cable Company, for telegrams ordered by the Senate as per accompanying bill. The Controller of State is hereby authorized to draw his warrant for said amount, and the Treasurer is directed to pay the same.

March 2—Telegram to Thomas B. Reed, Washington, D. C.....	\$9 33
March 3—Telegram to Marion De Vries, Washington, D. C.....	6 18
March 7—Telegram to Marion De Vries, Washington, D. C.....	11 78

\$27 29

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

At twelve o'clock and thirty-five minutes P. M., the hour of recess having arrived, the President of the Senate declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Bulla, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Flint, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Committee Substitute for Assembly Bill No. 660—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, and 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 660 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Dickinson, Doty, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Taylor, and Wolfe—22.

NOES—Senators Bettman, Leavitt, Stratton, and Trout—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 690—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 690 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Curtin, Davis, Feeney, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Smith, Stratton, Taylor, and Trout—24.

NOES—Senators Braunhart, Doty, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Morehouse gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 690 was this day finally passed.

Assembly Bill No. 376—An Act to provide for a free employment department, to be maintained in connection with the Bureau of Labor Statistics.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 376 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Sims, Smith, Stratton, Taylor, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 249 refused passage by the following vote:

AYES—Senators Bulla, Dickinson, Doty, Gillette, Jones, La Rue, Nutt, Prisk, Smith, Taylor, and Trout—11.

NOES—Senators Ashe, Bettman, Burnett, Chapman, Davis, Dwyer, Feeney, Flint, Hall, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Rowell, Simpson, Sims, and Wolfe—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Rowell gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 249 was this day refused passage.

Assembly Bill No. 911—An Act to amend the Political Code by adding a new section thereto, numbered 1186½, relating to the organization of committees to represent political parties at primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 911 finally passed by the following vote:

AYES—Senators Bulla, Burnett, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—Senators Ashe, Braunhart, Doty, and Hall—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 662—An Act making an appropriation to pay the salaries of the employés of the Commissioner of Public Works.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 662 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Maggard, Morehouse, Nutt, Rowell, Shortridge, Smith, Stratton, and Trout—25.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Burnett moved a reconsideration of the vote whereby Assembly Bill No. 206—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—was refused passage.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Burnett moved a call of the Senate.

Motion carried.

Time, three o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and thirty-five minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Smith, who was excused for absence from the Senate Chamber, on motion of Senator Bettman.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twenty-five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Bettman.

Senator Smith having voted, the President thereupon declared the vote whereby Assembly Bill No. 206 was refused passage reconsidered by the following vote:

AYES—Senators Ashe, Boyce, Brauhart, Bulla, Burnett, Curtin, Davis, Doty, Dwyer, Gillette, Hall, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Stratton, Taylor, and Trout—23.

NOES—Senators Bettman, Chapman, Cutter, Dickinson, Feeney, Jones, Laird, Shortridge, Simpson, Sims, and Smith—11.

SPECIAL FILE OF ASSEMBLY BILLS—(TIME EXTENDED).

On motion of Senator Leavitt, the time for the consideration of the special file of Assembly bills was extended until the question under consideration was disposed of.

Assembly Bill No. 206—An Act to amend Sections 7 and 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved

March 25, 1895, relating to the powers and duties of such Bank Commissioners.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Braunhart moved a call of the Senate.

Motion carried.

Time, four o'clock and twenty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and fifty minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senators Simpson, Wolfe, Langford, and Cutter, who were excused for absence from the Senate Chamber, on motion of Senator Shortridge.

Senators Simpson, Wolfe, Langford, and Cutter having voted, the President thereupon declared the bill refused passage by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Curtin, Davis, Doty, Dwyer, Hall, Jones, Langford, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, Stratton, Taylor, and Wolfe—20.

NOES—Senators Bettman, Bulla, Chapman, Cutter, Dickinson, Feeney, Flint, Gillette, Laird, Leavitt, Morehouse, Shortridge, Simpson, Sims, Smith, and Trout—16.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

The consideration of Assembly Constitutional Amendment No. 14, heretofore set as a special order for this hour, was proceeded with.

Assembly Constitutional Amendment No. 14—Amending the Constitution by adding a new section to Article IX, relative to exempting certain property from taxation.

The vote whereby Assembly Constitutional Amendment No. 14 was refused adoption having been reconsidered on a previous day, the question was on its adoption.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Stratton moved a call of the Senate.

Motion carried.

Time, five o'clock P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock and five minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Feeney, who was excused for absence from the Senate Chamber, on motion of Senator Bettman.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and eight minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Shortridge.

The roll of absentees was called, and the President announced Assembly Constitutional Amendment No. 14 adopted by the following vote:

A YES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—Senators Braunhart, Dickinson, Gillette, La Rue, Rowell, Simpson, and Sims—7.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Senate Bill No. 732—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and be referred to Committee on Finance and Claims.

NUTT, Chairman.

Senate Bill No. 732 referred to Committee on Finance and Claims.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your committee of free conference concerning Assembly Bill No. 118—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act—report that we have met a like committee of the Assembly, consisting of Assemblymen White, Wade, and Blood, and we report that the free conference committee agreed upon and urgently recommend that the Senate recede from its amendments to said bill.

WOLFE,
DWYER,
SIMPSON,
Senate Committee.

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 118?"

Amend by striking out of Section 1, lines 3 and 4, the words "having a population of thirty-five thousand or over in this State."

Amend by striking out of Section 2, line 31, the word "four," and inserting the word "two."

The roll was called, and the amendments were receded from and the report of the committee of free conference adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

The Secretary was directed to inform the Assembly by message of the action of the Senate on the report of the committee of free conference on Assembly Bill No. 118. .

RECESS.

At five o'clock and ten minutes P. M., on motion of Senator Dwyer, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Flint, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Taylor, and Trout—26.

Quorum present.

MOTION TO RECONSIDER VOTE POSTPONED.

In compliance with his notice given on yesterday, Senator Dickinson moved a reconsideration of the vote whereby Senate Bill No. 426—An Act to amend Sections 2520 and 2552 of the Political Code, relating to the Board of State Harbor Commissioners—was refused passage.

The motion was seconded.

Senator Dickinson moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 426 was refused passage be postponed until Friday, March 10, 1899.

So ordered.

MOTION.

Senator Stratton moved that Assembly Bill No. 911—An Act to amend the Political Code by adding a new section thereto, numbered 1186½, relating to the organization of committees to represent political parties at primary elections—be recalled from the Assembly.

So ordered.

NOTICE OF MOTION TO RECONSIDER.

Senator Stratton gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 911 was this day finally passed.

MOTION.

Senator Simpson moved to take up and consider messages from the Assembly.

So ordered.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 588—An Act to amend Section 412 of the Penal Code, relating to boxing and sparring matches, and prize or ring fights.

Also: Assembly Bill No. 513—An Act to prohibit the manufacture or sale or operation of any mechanical device or machine known as the slot machine, within the State of California.

Also: Assembly Bill No. 619—An Act for the protection of forests, growing crops, buildings, and other properties from destruction by fire.

Also: Assembly Bill No. 908—An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses.

Also: Assembly Bill No. 916—An Act to amend an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, direction, and maintenance within the State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, granting additional powers to the founders and trustees of such institutions, and to add a new section thereto.

Also: Adopted the report of the free conference committee and passed, as amended thereby, Assembly Bill No. 366—An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof.

Also: Adopted the report of the free conference committee on Assembly Bill No. 118—An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeymen horseshoers, the appointment of a Board of Examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act.

Also: Passed Assembly Bill No. 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years.

Also: Amended, and passed as amended, Senate Bill No. 22—An Act to create the Harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the Harbor of Oakland, to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties, and jurisdiction, fixing their terms, salaries, and their bonds, and providing how vacancies shall be filled; providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collector, and other employes, and providing for the manner of their appointment, and defining their duties, and fixing their tenure of office; providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board, or employes, a misdemeanor, and providing a penalty of a fine not to exceed \$300, or imprisonment not exceeding one hundred days as a punishment therefor; and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing punishment therefor of a fine not less than \$100, and not more than \$500, or by imprisonment of not less than thirty nor more than ninety days; and making it a misdemeanor to drive horses, or mules, or vehicles upon any wharf, pier, quay, landing, thoroughfare faster than a walk, and providing a punishment of a fine of not more than \$20, or imprisonment of not more than ten days, and providing that the Police Court of the City of Oakland shall have jurisdiction of all such misdemeanors herein provided; and making it a misdemeanor for masters, owners, or consignees of vessels or railroad to refuse or to neglect to deliver to the wharfinger, or other employe of the board, a statement of the quantity of the merchandise intended to be discharged, and making the punishment therefor a fine of not more than \$100, or imprisonment of not more than three months, or both; and making it a misdemeanor for any such person to discharge, or to allow to be discharged, from any such vessel or car any part of its cargo or load, or receive or allow to be received on such vessel or car, any such part of its cargo or load, and providing a punishment of a fine not exceeding \$500, or imprisonment not exceeding one hundred days, or by both such fine and imprisonment; and providing that the Attorney-General shall furnish advice to the board when required.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 588 read first time, and referred to Committee on Education and Public Morals.

Assembly Bill No. 513 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 619 read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Assembly Bill No. 996 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 908 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 916 read first time, and referred to Committee on Education and Public Morals.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 22?"

Amend by striking out of amended portion, line 3 of Section 30½, the word "to" after the word "Oakland," and inserting the word "of" in lieu thereof.

The roll was called, and Assembly amendment concurred in by the following vote:

AYES—Senators Bulla, Chapman, Curtin, Cutter, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, and Trout—21.

NOES—None.

The Secretary was directed to inform the Assembly, by message, that the Senate had concurred in Assembly amendment to Senate Bill No. 22.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

Also: Adopted Assembly Concurrent Resolution No. 22—Relative to amending Joint Rule XI.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Concurrent Resolution No. 22 referred to Committee on Rules and Revision.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 9?"

Amend by adding the following to Section 2: "*Provided, nevertheless*, that any corporation which shall have complied with the requirements of Section 1 of the Act of which this is amendatory, shall not be required to make or file any further designation of the person upon whom process may be served, but such former designation shall be deemed, and taken to be, a full compliance with the requirements of this Act.

"*Provided further, however*, that if any such corporation shall withdraw such designation heretofore made, or if the person designated shall die, or remove from the State, then, and in that case, such corporation shall, within forty days after such withdrawal, make a new designation or be subject to the provisions and penalties of this Act."

The roll was called, and Assembly amendment concurred in by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Sims, Stratton, Taylor, and Trout—24.

NOES—None.

The Secretary was directed to inform, by message, the Assembly that the Senate had concurred in Assembly amendment to Senate Bill No. 9.

Senate Bill No. 9 ordered to reëngrossment and enrollment.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENTS.

Senator Dickinson asked unanimous consent to withdraw substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18.

Consent granted.

Substitute for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18 withdrawn, and ordered stricken from the file.

Senator Dickinson requested that he be granted permission to introduce a bill to be known as Senate Constitutional Amendment No. 22.

On this question the roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—33.

NOES—None.

Whereupon the President pro tem. announced that Senator Dickinson having received the consent of two thirds of the members, as required by Section 2 of Article IV of the Constitution, he was entitled to introduce a bill.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT.

The constitutional requirement concerning the introduction of bills having been complied with, the following constitutional amendment was introduced by Senator Dickinson:

Senate Constitutional Amendment No. 22—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, and 23, and repealing Section 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Referred to Committee on Judiciary.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your committee of conference concerning Assembly Bill No. 4—An Act to create an Exempt Fireman's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and service as firemen of such exempt firemen—report that we have met a like committee of the Assembly, consisting of Assemblymen Johnson, Kelley, and E. D. Sullivan, and we report that the conference committee have failed to agree, and we recommend that the Senate insist upon its amendment No. 2, and ask the appointment of a committee of free conference.

DOTY,
BURNETT,
BOYCE,
Senate Committee.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

The President pro tem. appointed Senators Luchsinger, Sims, and Leavitt a committee of free conference on Assembly Bill No. 4.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 613—An Act requiring hotel and lodging-house keepers to

keep ropes in sleeping rooms to facilitate escape in case of fire—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

BOYCE, Chairman.

Assembly Bill No. 613 referred to Committee on Judiciary.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 22—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, and 23, and repealing Section 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GILLETTE, Chairman.

Senate Constitutional Amendment No. 22 ordered on file.

CONSIDERATION OF CONSTITUTIONAL AMENDMENTS.

On motion of Senator Smith, Senate Constitutional Amendment No. 21 was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 21.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section five of article eleven, relative to the compensation of county and township officers.

The Legislature of the State of California at its thirty-third session, commencing on the second day of January, Anno Domini one thousand eight hundred and ninety-nine, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that section five of article eleven of the Constitution of the State of California be amended so as to read as follows:

Section 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The compensation of such officers and the number and compensation of their deputies, clerks, and assistants shall be regulated by the Legislature, or in such manner as the Legislature may by uniform laws provide, and for this purpose it may classify the counties and townships by population; and it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them or officially come into their possession.

The constitutional amendment having been read on a previous day, the question was on its adoption.

The roll was called, and Senate Constitutional Amendment No. 21 adopted by the following vote:

AYES—Senators Bettman, Boyce, Brauhnart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Brauhnart asked unanimous consent to withdraw Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Consent granted.

Senate Constitutional Amendment No. 6 withdrawn and ordered stricken from the file.

On motion of Senator Dickinson, Committee Substitute for Senate Constitutional Amendment No. 15 was taken up for consideration.

COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 15.

A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the second day of January, eighteen hundred and ninety-nine, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that section eighteen of article eleven of the Constitution of the State of California be amended to read as follows:

Section 18. No county, city, town, township, Board of Education, or school district shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before, or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however,* that the City and County of San Francisco may at any time pay the unpaid claims with interest thereon at the rate of five per cent per annum for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, and forty-fourth fiscal years, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of three hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided further,* that the City of Vallejo, of Solano County, may pay its existing indebtedness incurred in the construction of its waterworks, whenever two thirds of the electors thereof, voting at an election held for that purpose, shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void.

Committee Substitute for Senate Constitutional Amendment No. 15 having been read on a previous day, the question was on its adoption.

The roll was called, and Committee Substitute for Senate Constitutional Amendment No. 15 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Stratton, and Trout—27.

NOES—Senator Bulla, Burnett, Gillette, Laird, and Taylor—5.

Constitutional amendment ordered transmitted to the Assembly.

INTRODUCTION OF CONCURRENT RESOLUTION.

Senator Flint offered the following:

SENATE CONCURRENT RESOLUTION NO. 12.

Relative to the consent of the Legislature to absence from the State of State Senator H. L. Pace of Tulare for a period not to exceed six months.

Resolved by this Senate, the Assembly concurring, That the Legislature of the State of California has consented and does hereby consent that State Senator H. L. Pace may depart from the State of California at any time during the remainder of his official term as State Senator and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

On motion, the rules were suspended, and the resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—33.

NOES—None.

SENATE SPECIAL FILE.

Senate Bill No. 367—An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto.

The bill having been read third time on this day, the question was on its passage.

The roll was called, and Senate Bill No. 367 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Curtin, Davis, Doty, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Stratton, and Trout—21.

NOES—Senators Bettman, Dwyer, Flint, Laird, Simpson and Taylor—6.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Shortridge gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 367 was this day passed.

Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 318 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Doty, Dwyer, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—23.

NOES—Senators Bettman, Bulla, Chapman, and Laird—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 530 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Feeney, Gillette, Hall, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Simpson, Smith, Taylor, and Trout—23.

NOES—Senators Braunhart, Curtin, Doty, Dwyer, Flint, La Rue, Prisk, Rowell, Shortridge, Sims, and Stratton—11.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Smith gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 530 was this day passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Substitute for Senate Bill No. 591--An Act to appropriate the sum of \$200 to pay the claim of Marin County Tocsin, for money due and owing the said Marin County Tocsin from the State of California.

Substitute for Senate Bill No. 562--An Act to appropriate the sum of \$600 to pay the claim of the Nevada Daily Transcript, for money due and owing the said Nevada Daily Transcript from the State of California.

JONES, Chairman.

Substitutes for Senate Bills Nos. 591 and 562 ordered on file for third reading.

ADJOURNMENT.

At ten o'clock and fifty-seven minutes P. M., on motion of Senator Cutter, the Senate was declared adjourned until nine o'clock and thirty minutes A. M. of Friday, March 10, 1899.

IN SENATE.

SENATE CHAMBER,
Friday, March 10, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, March 9, 1899, was read.

The Journal of Tuesday, March 7, 1899, was approved.

TELEGRAM.

BUFFALO, N. Y., March 9, 1899.

HON. JACOB NEFF, *Lieutenant-Governor, Sacramento, California:*

We earnestly ask your assistance toward securing the passage of resolution through your Legislature enabling your state to erect building and make an exhibit at the Pan-American Exposition to be held near Buffalo on the Niagara frontier in 1901. The Federal Government has appropriated \$500,000, our State \$300,000. Our citizens have already

raised \$1,500,000. Your early legislative adjournment necessitates dispatch. Your enabling act can be made conditional upon its being an enterprise worthy of your State exhibit, in the discretion of your Governor. Further particulars by mail.

CONRAD DIEHL,

Mayor of the City of Buffalo and Chairman of Board of Directors Pan-American Exposition Co.

COMMUNICATION RELATIVE TO THE LAKE TAHOE WAGON ROAD.

The following communication was received and read, and ordered printed in the Journal:

ASSEMBLY JOINT AND CONCURRENT RESOLUTION No. 7.

Relative to requesting the Legislature of the State of California to support the Lake Tahoe Wagon Road, and urging upon that body the necessity for a suitable appropriation for the proper maintenance of the same.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of Nevada, at the nineteenth regular session, commencing on the sixteenth day of January, Anno Domini eighteen hundred and ninety-nine, that recognizing the advantages that accrue to both the States of Nevada and California by the maintenance of the Lake Tahoe Wagon Road, which offers a cheap, direct and easy means of communication between said States, affording commercial and other opportunities; and

WHEREAS, A bill has been introduced in the Legislature of California to make a suitable appropriation for the reconstruction of the bridges and to provide for the proper maintenance of said highway; be it further

Resolved, That we earnestly ask the support of the California State Legislature to the end that said highway may be properly repaired and maintained; and be it further

Resolved, That the Governor of the State of Nevada be and he hereby is requested to cause a certified copy of these resolutions to be mailed to the Governor, the Senate and the Assembly of the State of California at Sacramento.

EXECUTIVE CHAMBER, STATE OF NEVADA, }
CARSON CITY, March 8, 1899.

I, Reinhold Sadler, Governor of the State of Nevada, do hereby certify and declare that the annexed and foregoing printed copy of Assembly Joint and Concurrent Resolution No. 7 is true and correct, and that the said resolution was duly enacted and approved on the 4th day of March, 1899.

In witness whereof I have hereunto set my hand and affixed my seal this 8th day of March, 1899.

[SEAL.]

REINHOLD SADLER, Governor.

RESOLUTIONS.

Senator Stratton offered the following resolution, and moved its adoption.

Resolved, That the State Printer be and he hereby is instructed to print in pamphlet form, with title page, 2,500 copies each of Senate Bills Nos. 30, 49, 444, 83, 95, 133, 721, and 731, said printing to be instead and place of printing ordered in resolution adopted March 7, 1899.

Resolution read and adopted.

By Senator Dickinson:

WHEREAS, The Secretary of the Senate was authorized to have engrossed the resolutions in memory of the late Hon. Romualdo Pacheco, adopted January 28, 1899, and the Hon. John Boggs, as adopted February 3, 1899; therefore, be it

Resolved, That the sum of \$300 be appropriated from the Contingent Fund of the Senate in favor of A. A. Friedlander (for engrossing and framing said resolutions), and the Controller is ordered to draw his warrant and the Treasurer is instructed and ordered to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Maggard:

Resolved, That the sum of \$180 is hereby appropriated from the Contingent Fund of the Senate, payable to the Sergeant-at-Arms of the Senate, for the purpose of branding all of the furniture belonging to the Senate Chamber and for the use of the different

committees, also for purchasing boxes, packing, marking, and shipping all papers and documents belonging to the Senators to their places of residence, at the close of the session.

The Controller of the State is hereby authorized to draw his warrant for the above amount, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election case of Leon Denny vs. R. Porter Ashe, for the seat in the Senate from the Twenty-fourth Senatorial District of the State of California, beg leave to report as follows:

Said committee filed a report of the bills of the contestant and contestee on the seventeenth of February, and in error omitted to allow H. H. McPike the sum of \$25 for expenses connected with the said contest case, and your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of H. H. McPike for the sum of \$25, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

STRATTON, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. SPEAKER: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the pay of Assistant Minute Clerk be allowed C. S. MacMullan from February 18, 1899, to and including March 4, 1899, for services rendered at Senate desk, the same payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of C. S. MacMullan for \$84, and the Treasurer directed to pay the same, the same payable out of the Contingent Fund of the Senate.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, and Trout—26.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the sum of \$38 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to the Secretary of the Senate, for stationery purchased prior to the opening of the session from D. Johnston & Co., as per accompanying bill. The Controller of State is hereby authorized to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Jan. 3—To D. Johnston & Co., stationery \$38 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Burnett, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—22.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate provide the Press Mailing Clerk with \$40 worth of postage stamps, the same being payable out of the fund for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for the said sum of \$40 in favor of J. L. Martin, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully recommend the adoption of the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate provide the Press Mailing Clerk with \$20 worth of postage stamps, the same being payable out of the fund for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for said sum of \$20 in favor of J. L. Martin, and the Treasurer is directed to pay the same.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Burnett, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—24.

NOES—None.

CONSIDERATION OF REPORT OF COMMITTEE ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

Senator Burnett moved that the reports of the Committee on Executive Communications and Nominations, relating to the Governor's vetoes, not heretofore acted upon, but previously printed in the Journal, be taken up for consideration.

Motion carried.

CONSIDERATION OF GOVERNOR'S VETOES.

Senate Bill No. 151—An Act for the relief of John N. E. Wilson, ex-Insurance Commissioner of the State of California, and of James D. Byrnes and Frank C. De Long, the bondsmen of said John N. E. Wilson, ex-Insurance Commissioner, and authorizing the Attorney-General of the State of California to enter satisfaction of judgment for the sum of \$4,063 82, in full settlement of the suit entitled "The People of the State of California, upon the complaint of E. P. Colgan, as Controller of said State, plaintiff, vs. John N. E. Wilson, Frank C. De Long, and James D. Byrnes, defendants."

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—23.

Senate Bill No. 7—An Act for the relief of John Mullan, and to appropriate money therefor.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senator Boyce—1.

NOES—Senators Ashe, Brauhart, Bulla, Burnett, Chapman, Curtin, Davis, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, and Trout—25.

Senate Bill No. 118—An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

Senator Davis moved to postpone further consideration of the Governor's veto of Senate Bill No. 118 until next legislative day.

Motion carried.

Senate Bill No. 82—An Act authorizing the State Treasurer to furnish his office and the vault therein, and making an appropriation therefor.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Ashe, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—31.

Senate Bill No. 10—An Act to amend Sections 3, 4, 5, 6, 7, 8, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880, as amended by an Act entitled "An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled 'An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands,' approved April 15, 1880," approved March 19, 1889.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senator Cutter—1.

NOES—Senators Ashe, Brauhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—29.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 732—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and con-

tagious diseases common to stock, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DICKINSON, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Dickinson:

Resolved, That Senate Bill No. 732 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Senate Bill No. 732 declared a case of urgency by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, and Trout—27.

NOES—Senators Braunhart and Laird—2.

CASE OF URGENCY.

Senate Bill No. 732—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, and Trout—24.

NOES—Senator Burnett—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

The consideration of Assembly amendments to Senate Bill No. 536—An Act to add a new section to the Political Code of the State of California, to be numbered 1118, relating to registration—heretofore set as a special order for this hour, was proceeded with.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 536?"

AMENDMENT No. 1.

Amend Section 1 by adding after the word "must" in line 12 of printed bill the following: "whenever such officer is not otherwise by law specifically given assistants, clerks, or deputies for the purpose of registration."

AMENDMENT No. 2.

Amend by striking out all of Section 2.

AMENDMENT No. 3.

Amend by striking out the words "Sec. 2," and renumbering "Sec. 3" Sec. "2."

AMENDMENT No. 4.

Amend Section 1, line 8, printed bill, by inserting after the word "Supervisors" the words "or other boards having control of elections."

AMENDMENT No. 5.

Amend Section 1, line 17, printed bill, by inserting after the word "clerk" the words "or the person charged with the registration of voters."

AMENDMENT No. 6.

Amend by inserting after the word "county," in line 12, Section 1, page 1, printed bill, the following: "by and with the consent of the principal of the office."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Dickinson, Doty, Dwyer, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—26.
NOES—None.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 435—An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 618—An Act making an appropriation to pay the claim of Office Specialty Manufacturing Company, for metallic furniture furnished the office of the Clerk of the Supreme Court at Sacramento—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, a similar Senate bill (No. 483), with amendment, having already been acted upon.

Also: Senate Bill No. 704—An Act authorizing the Governor to order the transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof to such funds—have had the same under consideration, and respectfully report the same back without recommendation, a similar Assembly bill (No. 938) having already been acted upon.

Also: Senate Bill No. 519—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges, for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, a similar Assembly bill (No. 668) having already been acted upon.

Also: Senate Bill No. 140—An Act to pay the claim of Abraham W. Rapelye against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation, as amended, a similar Assembly bill (No. 211) having already been acted upon.

Also: Senate Bill No. 710—An Act to pay the claim of Talbot H. Wallis against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, a similar Assembly bill (No. 574) having already been acted upon.

DICKINSON, Chairman.

Assembly Bills Nos. 435 and 618 ordered on special file of Assembly bills for second reading.

Senate Bills Nos. 704, 519, 140, and 710 ordered on file.

CONSIDERATION OF SENATE SPECIAL FILE.

On motion of Senator Leavitt, the Senate special file was taken up for consideration.

Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897.

Read third time.

Senator Maggard moved that Senator Prisk be appointed a special committee of one to amend the bill as follows:

Amend by striking out of the enacting clause the word "the," before the word "Senate."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for the lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897—with instructions to amend, respectfully reports the same back, amended as per instructions.

PRISK, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 330—An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$100,000.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 330 passed by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—27.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASES OF URGENCY.

On motion of Senator Prisk, the consideration of Senate bills made cases of urgency on Wednesday, March 8, 1899, was proceeded with.

Senate Bill No. 591—An Act making an appropriation to pay the claim of the Marin County Tocsin, for advertising the constitutional amendments for the year 1898.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 591 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Chapman, Dickinson, Doty, Dwyer, Flint, Hall, Jones, La Rue, Luchsinger, Maggard, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 562—An Act making an appropriation to pay the claim of the Daily Transcript, for advertising constitutional amendments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 562 passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Chapman, Curtin, Dickinson, Doty, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 638—An Act providing for the allowance and payment of the claim of F. W. Cooke against the State of California, and making an appropriation therefor.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 638.

An Act to appropriate the sum of \$175 to pay the claim of the Healdsburg Tribune, for money due and owing the said Healdsburg Tribune from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and seventy-five dollars to pay the claim of the Healdsburg Tribune, the said sum of one hundred and seventy-five dollars being now due and owing from the State of California to the said Healdsburg Tribune.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Healdsburg Tribune for the said sum of one hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 638 passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Nutt, Prisk, Rowell, Shortridge, Sims, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 640—An Act providing for the allowance and payment of the claim of R. E. Baer against the State of California, and making an appropriation therefor.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 640.

An Act to appropriate the sum of \$175 to pay the claim of the Cloverdale Reveille, for money due and owing the said Cloverdale Reveille from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and seventy-five dollars to pay the claim of the Cloverdale Reveille, the said sum of one hundred and seventy-five dollars being now due and owing from the State of California to the said Cloverdale Reveille.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Cloverdale Reveille for the said sum of one hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 640 passed by the following vote:

AYES—Senators Braunnhart, Chapman, Curtin, Doty, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 641—An Act to pay the claim of the Oakland Publishing Company, and making an appropriation therefor.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 641.

An Act to appropriate the sum of \$600 to pay the claim of the Oakland Enquirer Publishing Company, for money due and owing the said Oakland Enquirer Publishing Company from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of six hundred dollars to pay the claim of the Oakland Enquirer Publishing Company, the said sum of six hundred dollars being now due and owing from the State of California to the said Oakland Enquirer Publishing Company.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Oakland Enquirer Publishing Company for the said sum of six hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 641 passed by the following vote:

AYES—Senators Ashe, Burnett, Chapman, Curtin, Doty, Dwyer, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 643—An Act making an appropriation to pay the claim of the Placer Herald, published in Auburn, for advertising the constitutional amendments for the year 1898.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 643.

An Act to appropriate the sum of \$175 to pay the claim of the Placer Herald, for money due and owing the said Placer Herald from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and seventy-five dollars to pay the claim of the Placer Herald, the said sum of one hundred and seventy-five dollars being now due and owing from the State of California to the said Placer Herald.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Placer Herald for the said sum of one hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 643 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 644—An Act making an appropriation to pay the claim of the Mountain Democrat, of Placerville, for advertising the constitutional amendments for the year 1898, authorized by the Governor of the State of California.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 644.

An Act to appropriate the sum of \$175 to pay the claim of the Mountain Democrat, Placerville, G. & J. Carpenter, for money due and owing the said Mountain Democrat, Placerville, G. & J. Carpenter, from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and seventy-five dollars to pay the claim of the Mountain Democrat, Placerville, G. & J. Carpenter, the said sum of one hundred and seventy-five dollars being now due and owing from the State of California to the said Mountain Democrat, Placerville, G. & J. Carpenter.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Mountain Democrat, Placerville, G. & J. Carpenter, for the said sum of one hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 644 passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 645—An Act making an appropriation to pay the claim of M. S. Levy, proprietor and publisher of the Jewish Times and Observer, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 645.

An Act to appropriate the sum of \$200 to pay the claim of Jewish Times-Observer, for money due and owing the said Jewish Times-Observer from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two hundred dollars to pay the claim of Jewish Times-Observer, the said sum of two hundred dollars being now due and owing from the State of California to said Jewish Times-Observer.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant

in favor of the said Jewish Times-Observer for the said sum of two hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 645 passed by the following vote:

AYES—Senators Ashe, Boyce, Chapman, Curtin, Doty, Dwyer, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Taylor, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 650—An Act making an appropriation to pay the claim of the San Diego Vidette, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 650.

An Act to appropriate the sum of \$550 to pay the claim of San Diego Vidette Company, for money due and owing the said San Diego Vidette Company from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of five hundred and fifty dollars to pay the claim of San Diego Vidette Company, the said sum of five hundred and fifty dollars being now due and owing from the State of California to the said San Diego Vidette Company.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said San Diego Vidette Company for the said sum of five hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 650 passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 651—An Act making an appropriation to pay the claim of J. W. Travers, assignee of the Alameda Daily Evening Encinal, for advertising the constitutional amendments for the year 1896.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 651.

An Act to appropriate the sum of \$400 to pay the claim of the Encinal Publishing Company, for money due and owing the said Encinal Publishing Company from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not

otherwise appropriated the sum of four hundred dollars to pay the claim of the Encinal Publishing Company, the said sum of four hundred dollars being now due and owing from the State of California to the said Encinal Publishing Company.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Encinal Publishing Company for the said sum of four hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 651 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Maggard, Nutt, Prisk, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 653—An Act to pay the claim of the News Publishing Company, for official advertising.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 653.

An Act to appropriate the sum of \$200 to pay the claim of the Santa Clara News, for money due and owing the said Santa Clara News from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two hundred dollars to pay the claim of the Santa Clara News, the said sum of two hundred dollars being now due and owing from the State of California to the said Santa Clara News.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Santa Clara News for the said sum of two hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 653 passed by the following vote:

AYES—Senators Ashe, Braunhart, Chapman, Curtin, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Taylor, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 654—An Act making an appropriation to pay the claim of the Downey Champion, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 654.

An Act to appropriate the sum of \$150 to pay the claim of the Downey Champion, for money due and owing the said Downey Champion from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and fifty dollars to pay the claim of the

Downey Champion, the said sum of one hundred dollars being now due and owing from the State of California to the said Downey Champion.

Sec. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Downey Champion for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

Sec. 3. This Act shall take effect January first, nineteen hundred.

Senator Morehouse moved to amend the proposed substitute as follows:

Amend by striking out of Section 1, line 4, the words "one hundred dollars" and inserting in lieu thereof the following: "one hundred and fifty dollars."

Amendment adopted.

Substitute, as amended, adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 657—An Act to appropriate the sum of \$630 to pay the claim of Ben M. Maddox, for money due and owing the said Ben M. Maddox from the State of California.

During the second reading of bill, the following substitute was submitted by the committee.

SUBSTITUTE FOR SENATE BILL NO. 657.

An Act to appropriate the sum of \$300 to pay the claim of the Visalia Daily Times, for money due and owing the said Visalia Daily Times from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of three hundred dollars to pay the claim of the Visalia Daily Times, the said sum of three hundred dollars being now due and owing from the State of California to the said Visalia Daily Times.

Sec. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Visalia Daily Times for the said sum of three hundred dollars, and the State Treasurer is hereby directed to pay the same.

Sec. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 657 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 666—An Act to provide for the payment for the advertising of the constitutional amendments, and making an appropriation therefor.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 666.

An Act to appropriate the sum of \$100 to pay the claim of the Labor Advocate, for money due and owing the said Labor Advocate from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred dollars to pay the claim of the Labor Advocate, the said sum of one hundred dollars being now due and owing from the State of California to the said Labor Advocate.

Sec. 2. The State Controller is hereby authorized and directed to draw his warrant

in favor of the said Labor Advocate for the said sum of one hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 666 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 674—An Act making an appropriation to pay the claim of the Hollister Bee, for advertising the constitutional amendments for the year 1898.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 674.

An Act to appropriate the sum of \$246 65 to pay the claim of the Hollister Bee, for money due and owing the said Hollister Bee from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two hundred and forty-six and sixty-five one hundredths dollars to pay the claim of the Hollister Bee, the said sum of two hundred and forty-six and sixty-five one hundredths dollars being now due and owing from the State of California to the said Hollister Bee.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Hollister Bee for the said sum of two hundred and forty-six and sixty-five one hundredths dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 674 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Curtin, Doty, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Smith, Stratton, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 679—An Act to appropriate the sum of \$2,100 to pay the claim of James A. Devoto, assignee of E. Patrizi and G. Almagia, owners and publishers of L'Italia, for money due and owing the said James A. Devoto, assignee as aforesaid, from the State of California, for publishing constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 679.

An Act to appropriate the sum of \$600 to pay the claim of L'Italia, for money due and owing the said L'Italia from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of six hundred dollars to pay the claim of L'Italia, the said sum of six hundred dollars being now due and owing from the State of California to the said L'Italia.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said L'Italia for the said sum of six hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 679 passed by the following vote:

AYES—Senators Boyce, Brauhart, Chapman, Curtin, Doty, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Taylor, Trout, and Wolfe—22.

NOES—Senator Bulla—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 681—An Act making an appropriation to pay the claim of the Fresno Evening Democrat, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 681.

An Act to appropriate the sum of \$150 to pay the claim of the Fresno Evening Democrat, for money due and owing the said Fresno Evening Democrat from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and fifty dollars to pay the claim of the Fresno Evening Democrat, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said Fresno Evening Democrat.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Fresno Evening Democrat for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 681 passed by the following vote:

AYES—Senators Boyce, Burnett, Curtin, Doty, Dwyer, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 684—An Act making an appropriation to pay the claim of Raleigh Barcar, publisher of the Vacaville Reporter, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 684.

An Act to appropriate the sum of \$150 to pay the claim of the Reporter Publishing Company, Vacaville, for money due and owing the said Reporter Publishing Company from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and fifty dollars to pay the claim of the Reporter Publishing Company, Vacaville, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said Reporter Publishing Company, Vacaville.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of said Reporter Publishing Company, Vacaville, for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 684 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 685—An Act making an appropriation to pay the claim of George Roe, publisher of Vallejo Times, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 685.

An Act to appropriate the sum of \$250 to pay the claim of George Roe, Vallejo Daily Times, for money due and owing the said George Roe, Vallejo Daily Times, from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of two hundred and fifty dollars, to pay the claim of George Roe, Vallejo Daily Times, the said sum of two hundred and fifty dollars being now due and owing from the State of California to the said George Roe, Vallejo Daily Times.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said George Roe, Vallejo Daily Times, for the said sum of two hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 685 passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 692—An Act making an appropriation to pay the claim of the Redwood City Democrat, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 692.

An Act to appropriate the sum of \$200 to pay the claim of Redwood City Democrat, for money due and owing the said Redwood City Democrat from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two hundred dollars to pay the claim of Redwood City Democrat, the said sum of two hundred dollars being now due and owing from the State of California to the said Redwood City Democrat.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Redwood City Democrat for the said sum of two hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 692 passed by the following vote:

AYES—Senators Boyce, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 694—An Act making an appropriation to pay the claim of W. L. Dunn, publisher of the River News, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 694.

An Act to appropriate the sum of \$150 to pay the claim of the River News, for money due and owing the said River News from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and fifty dollars to pay the claim of the River News, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said River News.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said River News for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 694 passed by the following vote:

AYES—Senators Boyce, Brauhart, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 698—An Act making an appropriation to pay the claim of the Daily Independent, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

•
SUBSTITUTE FOR SENATE BILL No. 698.

An Act to appropriate the sum of \$300 to pay the claim of the Daily Independent, for money due and owing the said Daily Independent from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of three hundred dollars to pay the claim of the Daily Independent, the said sum of three hundred dollars being now due and owing from the State of California to the said Daily Independent.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Daily Independent for the said sum of three hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 698 passed by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe 26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 682—An Act making an appropriation to pay the claim of the Riverside Daily Enterprise, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 682.

An Act to appropriate the sum of \$400 to pay the claim of Daily Riverside Enterprise, for money due and owing the said Daily Riverside Enterprise from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of four hundred dollars to pay the claim of Daily Riverside Enterprise, the said sum of four hundred dollars being now due and owing from the State of California to the said Daily Riverside Enterprise.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Daily Riverside Enterprise for the said sum of four hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 682 passed by the following vote:

AYES—Senators Boyce, Burnett, Chapman, Curtin, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 522—An Act to provide for the payment for the advertising of the constitutional amendments, and to make an appropriation therefor.

Substitute for Senate Bill No. 698—An Act to appropriate the sum of \$300 to pay the claim of the Daily Independent, for money due and owing the said Daily Independent from the State of California.

JONES, Chairman.

Senate Bill No. 522 and Substitute for Senate Bill No. 698 ordered on file for third reading.

CONSIDERATION OF CASES OF URGENCY—(RESUMED).

Senate Bill No. 707—An Act making an appropriation to pay the claim of Le Franco-Californien, for advertising the constitutional amendments for the year 1898.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 707.

An Act to appropriate the sum of \$600 to pay the claim of the Franco-Californien, for money due and owing the said Franco-Californien from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of six hundred dollars to pay the claim of the Franco-Californien, the said sum of six hundred dollars being now due and owing from the State of California to the said Franco-Californien.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Franco-Californien for the said sum of six hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 707 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Curtin, Doty, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shorbridge, Sims, Smith, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 718—An Act making an appropriation to pay the claim of the Colusa Sun Publishing Company, publishers of the Colusa Sun, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 718.

An Act to appropriate the sum of \$250 to pay the claim of Sun Publishing Company, Colusa, for money due and owing the said Sun Publishing Company, Colusa, from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two hundred and fifty dollars to pay the claim

of Sun Publishing Company, Colusa, the said sum of two hundred and fifty dollars being now due and owing from the State of California to the said Sun Publishing Company, Colusa.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Sun Publishing Company, Colusa, for the said sum of two hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 718 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Curtin, Doty, Flint, Gillette, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Prisk, Rowell, Shortridge, Sims, Stratton, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 719—An Act to appropriate the sum of \$357 to pay the claim of the Santa Ana Standard, for money due and owing the said Santa Ana Standard from the State of California, for the printing of constitutional amendments in the said Santa Ana Standard.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 719.

An Act to appropriate the sum of \$250 to pay the claim of Santa Ana Standard for money due and owing the said Santa Ana Standard from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two hundred and fifty dollars to pay the claim of Santa Ana Standard, the said sum of two hundred and fifty dollars being now due and owing from the State of California to the said Santa Ana Standard.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Santa Ana Standard for the said sum of two hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 719 passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Curtin, Doty, Flint, Gillette, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

On motion of Senator Shortridge, the further consideration of cases of urgency was made a special order to follow the consideration of the special file of Assembly bills.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Assembly Bill No. 619—An Act for the protection of forests, growing crops, buildings, and other properties from destruction by fire—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 677—An Act to regulate the business of commission merchants, agents, factors, or brokers, dealing in farm produce, poultry, grain, fruit, seeds, honey, or dairy products—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NUTT, Chairman.

Assembly Bills Nos. 619 and 677 ordered on special file of Assembly bills for second reading.

ON COMMERCE, HARBORS, AND RIVERS.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Commerce, Harbors, and Rivers, to whom was referred Assembly Bill No. 995—An Act to create and regulate public warehouses within the State of California, and to provide a penalty for violations of the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHORTRIDGE, Chairman.

Assembly Bill No. 995 ordered on special file of Assembly bills for second reading.

ON RULES AND REVISION.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Rules and Revision, to whom was referred Assembly Concurrent Resolution No. 22—Relative to amending Joint Rule XI—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BETTMAN, Chairman.

Senator Boyce moved that further consideration of Assembly Concurrent Resolution No. 22 be postponed until after the consideration of special file of Assembly bills on this day.

Motion carried, and so ordered.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 10, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25,

1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—37.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Carzill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Launcie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Woras, Wright, and Mr. Speaker—78.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Thursday, March 9, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, March 9, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Cutter, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For W. W. Foote—Senators Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Prisk, and Sims—9.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	36
W. H. L. Barnes received.....	7 votes.
D. M. Burns received.....	8 votes.
U. S. Grant, Jr., received.....	7 votes.
Irving M. Scott received.....	3 votes.
John Rosenfeld received.....	1 vote.
W. W. Foote received.....	9 votes.
James D. Phelan received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Johnson, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—17.

For U. S. Grant, Jr.—Messrs. Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancey, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—19.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Bree—3.

For W. W. Foote—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—20.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	76
W. H. L. Barnes received.....	15 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	17 votes.
U. S. Grant, Jr., received.....	19 votes.
Irving M. Scott received.....	3 votes.
W. W. Foote received.....	20 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	112
Necessary to a choice.....	57
W. H. L. Barnes received.....	22 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	25 votes.
U. S. Grant, Jr., received.....	26 votes.
Irving M. Scott received.....	6 votes.
John Rosenfeld received.....	2 votes.
James D. Phelan received.....	1 votes.
W. W. Foote received.....	29 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-seven minutes P. M., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Saturday, March 11, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—31.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Boyce:

WHEREAS, The exhibition on the floor of this Senate on Thursday, March 9, 1899, during the roll call upon Senate Bill No. 367, was not calculated to promote deliberate and free action on the part of Senators upon pending legislation; now, therefore, be it

Resolved, That while this body is taking action upon pending measures, and during the roll call thereon, no Senator, member of the Assembly, or other person shall solicit any member of this body to vote in any particular way, or induce, or attempt to induce, any member of this body to vote or change his vote upon the same, nor attempt by private argument, or solicitation, to affect the action of this body or members thereof.

Resolution read, and referred to Committee on Rules and Revision.

RECESS.

At twelve o'clock and thirty-eight minutes P. M., the hour of recess having arrived, the President of the Senate declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Flint, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—26.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 411—An Act authorizing the Secretary of State to furnish his office and the vault connected therewith, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 411 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Langford, Luchsinger, Maggard, Nutt, Prisk, Shortridge, Stratton, and Taylor—23.

NOES—Senators Davis, La Rue, Pace, Sims, Smith, and Trout—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 988—An Act to authorize and permit the use of the Great Seal of the State of California, and such other appropriate designs pertaining to said State, by the order of the Native Sons of the Golden West, a patriotic order, created and existing under the laws of

the State of California, in the making of medals to be presented by and under the auspices of said order, to the officers and members of the United States volunteer troops from California who have been in active service in the late war with Spain.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 988 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Stratton, and Taylor—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 292—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Read third time.

Senator Smith moved that Senator Dwyer be appointed a special committee of one to amend the bill as follows:

Amend by adding to Section 1 the following: "When property has been sold to the State on an illegal assessment, the party aggrieved, or his successor in interest, may, with the consent of the Attorney-General, bring an action against the State of California to set aside such sale and illegal assessment."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 292—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales—with instructions to amend, respectfully reports the same back, amended as per instructions.

DWYER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

On motion of Senator Stratton, Assembly Bill No. 19 was taken up for consideration.

Assembly Bill No. 19—An Act to amend Sections 1083, 1094, 1113, 1115, 1130, 1131, 1160, 1164, 1174, 1187, 1188, 1196, 1197, 1205, 1210, 1211, 1257, 1258, and 1259 of the Political Code, and to repeal Section 1228 thereof—all relating to elections.

Read third time.

Senator Stratton moved that Senator Taylor be appointed a special committee of one, to amend printed bill as amended March 4, 1899, as follows:

Amend by striking out of the title to the printed bill the figures "1258" and the figures "1174."

Also: Amend by striking out of the title to the printed bill the words and figures "and to repeal Section 1258 thereof."

Also: Amend by striking out all of Section 12 of the printed bill as amended, to wit: "Sec. 12. This Act shall take effect immediately."

Also: Strike out all of Section 4 of the printed bill, including the sheets called "tally lists."

Also: In Section 4, line 21, strike out the words "said County Clerk," and insert in lieu thereof the words "proper officer."

Also: In line 134 of Section 6, after the word "election" insert the words "or where a nominee has been assigned to, or has chosen another column pursuant to the provisions of this Act."

Also: In line 150 of Section 6, strike out the word "be," and insert in lieu thereof the word "have."

Also: Change "Sec. 5" to "Sec. 4."

Also: Change "Sec. 6" to "Sec. 5."

Also: Change "Sec. 7" to "Sec. 6."

Also: Change "Sec. 8" to "Sec. 7."

Also: Change "Sec. 9" to "Sec. 8."

Also: Change "Sec. 10" to "Sec. 9."

Also: Change "Sec. 11" to "Sec. 10."

Motion carried, and it was so ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your special committee of one; to whom was referred Assembly Bill No. 19—An Act to amend Sections 1083, 1094, 1113, 1115, 1130, 1131, 1160, 1164, 1174, 1187, 1188, 1196, 1197, 1205, 1210, 1211, 1257, 1258, and 1259 of the Political Code, and to repeal Section 1228 thereof, all relating to elections—with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print.

Assembly Bill No. 37—An Act relating to certain contracts for the conditional sale, lease, or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 37 refused passage by the following vote:

AYES—Senators Bettman, Burnett, Dickinson, Flint, Hoey, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Rowell, Simpson, and Smith—16.

NOES—Senators Ashe, Bulla, Doty, Gillette, Hall, Jones, Laird, Nutt, Sims, Stratton, Taylor, and Trout—12.

NOTICE OF MOTION TO RECONSIDER.

Senator Stratton gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 37 was this day refused passage.

Assembly Bill No. 500—An Act to amend Section 472 of the Political Code of California, relating to Attorney-General.

Read third time.

The question being on the passage of the bill.

EXCUSED FROM VOTING.

The Secretary read the following explanatory request:

Senator Stratton requests to be excused from voting upon Assembly Bill No. 500, upon the ground that he has been and is now employed as special counsel for the State, by and with the written consent of the Attorney-General.

There being no objections, Senator Stratton was excused from voting on the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Bulla moved a call of the Senate.

Motion carried.

Time, three o'clock and twenty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.
The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twenty-five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Bulla.

The roll of absentees was called, and the President announced Assembly Bill No. 500 refused passage by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Dickinson, Flint, Gillette, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Trout, and Wolfe—20.

NOES—Senators Ashe, Boyce, Braunhart, Curtin, Davis, Doty, Dwyer, Hall, La Rue, Rowell, Sims, and Smith—12.

SPECIAL FILE OF ASSEMBLY BILLS—(TIME EXTENDED).

On motion of Senator Stratton, the time for consideration of the special file of Assembly bills was extended for ten minutes.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Stratton moved a reconsideration of the vote whereby Assembly Bill No. 911—An Act to amend the Political Code by adding a new section thereto, numbered 1186½, relating to the organization of committees to represent political parties at primary elections—was passed.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Dickinson, Doty, Feeney, Gillette, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, and Stratton—24.

NOES—Senator Laird—1.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of the committee of free conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your committee of free conference concerning Assembly Bill No. 4—An Act to create an Exempt Firemen's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and service as firemen of such exempt firemen—report that we have met a like committee of the Assembly, consisting of Assemblymen Johnson, Kelley, and E. D. Sullivan, and we report that the free conference committee agreed upon and recommend that Senate Amendment No. 2 be changed as follows, viz.: "of a population exceeding twenty-five thousand," and that said amendment, as amended, be adopted by the Senate and Assembly.

SIMS,
LUCHSINGER,
LEAVITT,

Committee of Free Conference of the Senate.

The question being on the adoption of the report and amendment to the amendment.

The roll was called, and the report and amendment to the amendment adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Feeney, Flint, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Stratton, Trout, and Wolfe—25.

NOES—None.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Leavitt, his motion to reconsider the vote whereby Assembly Bill No. 393—An Act to secure to native sons and naturalized citizens of the United States the exclusive right to labor on public works in this State—was refused passage, was postponed until two o'clock P. M. of Monday, March 13, 1899.

MOTION.

Senator Stratton moved that messages from the Assembly be taken up and considered, so far as they relate to Assembly Bill No. 911.

Motion carried, and such was the order.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, in pursuance to the request of the Senate, herewith returns to the Senate Assembly Bill No 911—An Act to amend the Political Code by adding a new section thereto, numbered 1186½, relating to the organization of committees to represent political parties at primary elections.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 911 ordered on special file of Assembly bills.

MOTION TO POSTPONE RECONSIDERATION.

Senator Dickinson moved to postpone until Monday, March 13, 1899, further consideration of his motion made on yesterday to reconsider the vote whereby Assembly Bill No. 426—An Act to amend Sections 2520 and 2552 of the Political Code, relating to the Board of State Harbor Commissioners—was refused passage.

The question being on the postponement of the motion to reconsider.

The ayes and noes were demanded by Senators Boyce, Hall, and Davis.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bettman, Bulla, Dickinson, Flint, Gillette, Laird, Langford, Leavitt, Luchsinger, Morehouse, Shortridge, Simpson, Taylor, Trout, and Wolfe—15.

NOES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Curtin, Davis, Doty, Dwyer, Feeney, Hall, Hoey, Jones, La Rue, Maggard, Nutt, Pace, Prisk, Rowell, Sims, and Smith—21.

MOTION TO RECONSIDER.

Senator Dickinson thereupon renewed his motion of yesterday to reconsider the vote whereby the above bill was on a previous day refused passage.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Bettman, Bulla, Dickinson, Flint, Laird, Leavitt, Morehouse, Shortridge, Simpson, Taylor, and Wolfe—11.

NOES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Curtin, Davis, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Langford, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Sims, and Smith—24.

MOTION.

Senator Luchsinger requested that he be granted permission to introduce a bill to be known as Senate Constitutional Amendment No. 23.

On this question the roll was called, with the following result:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—28.

NOES—Senators Dickinson, Laird, Shortridge, and Simpson—4.

Whereupon the President announced that Senator Luchsinger, having received the consent of two thirds of the members, as required by Section 2 of Article IV of the Constitution, was entitled to introduce a bill.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT.

The constitutional requirements concerning the introduction of bills having been complied with, the following constitutional amendment was introduced:

By Senator Luchsinger: Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Constitutional amendment referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 916—An Act to amend an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, granting additional powers to the founders and trustees of such institutions, and to add a new section thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOYCE, Chairman.

Assembly Bill No. 916 ordered on special file of Assembly bills for second reading.

MOTION TO RECONSIDER VOTE POSTPONED.

In compliance with his notice given on yesterday, Senator Shortridge moved a reconsideration of the vote whereby Senate Bill No. 367—An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto—was passed.

The motion was seconded.

Senator Shortridge moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 367 was passed be postponed until Monday, March 13, 1899.

So ordered.

LEAVE OF ABSENCE.

Senator Leavitt was granted leave of absence until Monday, March 13, 1899, on his own motion.

Senator Braunhart was granted leave of absence until Monday, March 13, 1899, on his own motion.

RECONSIDERATION.

In compliance with the notice given on yesterday by Senator Morehouse, Senator Laird moved a reconsideration of the vote whereby Assembly Bill No. 690—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor—was passed.

The motion was seconded.

Senator Laird moved that further consideration be postponed until Monday, March 13, 1899.

Objection having been raised, the roll call was ordered.

The roll was called, and the motion to postpone lost by the following vote:

AYES—Senators Jones, Laird, and Wolfe—3.

NOES—Senators Ashe, Bulla, Burnett, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Simpson, Sims, Smith, Stratton, and Trout—22.

Senator Laird thereupon renewed his motion to reconsider the vote whereby the above bill was on yesterday passed.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Jones, Laird, and Wolfe—3.

NOES—Senators Bulla, Burnett, Chapman, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—22.

SPECIAL ORDER.

The consideration of Assembly Concurrent Resolution No. 22, heretofore set as a special order for this hour, was proceeded with.

ASSEMBLY CONCURRENT RESOLUTION No. 22.

Relative to amending Joint Rule XI.

Resolved, That Joint Rule XI be amended so as to provide that the Assembly shall consider Senate bills on the file provided for by Joint Rule XI from two o'clock p. m. until the afternoon recess, and that the Senate shall consider Assembly bills on the file of Assembly bills in the Senate during the same hours; that in other respects the said rule remain in full force.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 22 adopted by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

RECESS.

At four o'clock and forty minutes P. M., on motion of Senator Morehouse, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Smith, and Trout—27.

Quorum present.

LEAVE OF ABSENCE.

Senator Sims was granted leave of absence for the evening, on motion of Senator La Rue.

Senator Langford was granted leave of absence for the evening, on motion of Senator Hall.

CASES OF URGENCY.

On motion of Senator Prisk, the consideration of Senate bills made cases of urgency on Wednesday, March 8, 1899, was proceeded with.

Senate Bill No. 726—An Act making an appropriation to pay the claim of the Weekly New Era, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 726.

An Act to appropriate the sum of \$150 to pay the claim of the Weekly New Era, for money due and owing the said Weekly New Era from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred and fifty dollars to pay the claim of the Weekly New Era, the said sum of one hundred and fifty dollars being now due and owing from the State of California to the said Weekly New Era.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Weekly New Era for the said sum of one hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 726 passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Smith, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 727—An Act making an appropriation to pay the claim of the Daily Hanford Journal, for advertising constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 727.

An Act to appropriate the sum of \$250 to pay the claim of Daily Hanford Journal, for money due and owing the said Daily Hanford Journal from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two hundred and fifty dollars to pay the claim of Daily Hanford Journal, the said sum of two hundred and fifty dollars being now due and owing from the State of California to the said Daily Hanford Journal.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said Daily Hanford Journal for the said sum of two hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 727 passed by the following vote:

AYES—Senators Brauhart, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Smith, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 728—An Act making an appropriation to pay the claim of The County Paper, for advertising the constitutional amendments.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL No. 728.

An Act to appropriate the sum of \$375 to pay the claim of The County Paper, for money due and owing the said County Paper from the State of California.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of three hundred and seventy-five dollars to pay the claim of The County Paper, the said sum of three hundred and seventy-five dollars being now due and owing from the State of California to the said County Paper.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the said County Paper for the said sum of three hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, nineteen hundred.

Substitute read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 728 passed by the following vote:

AYES—Senators Brauhart, Bulla, Burnett, Chapman, Curtin, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Smith, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 522—An Act to provide for the advertising of the constitutional amendments, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 522 passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE SPECIAL FILE.

Assembly Bill No. 232—An Act authorizing the Secretary of State to appoint a clerk in addition to the number now allowed by law, and to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year.

Read second time, and ordered to third reading.

Senate Bill No. 491—An Act to amend subdivisions 9 and 18 of Section 433 of the Political Code, relating to the duties of the Controller.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 491 passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, and Trout—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 301—An Act entitled "An Act to amend Section 3 of an Act entitled 'An Act to provide work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities,'" approved March 18, 1885.

Read third time.

Motion of Senator Smith to appoint a special committee of one to amend pending.

On motion of Senator Dickinson, further consideration of bill was postponed until next legislative day.

Committee Substitute for Senate Bills Nos. 142, 159, 204, 453—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location.

Read third time.

Senator Smith moved that Senator Curtin be appointed a special committee of one to amend bill as follows:

Amend by adding at the end of line 1, Section 1, the words "upon the public domain of the United States."

Also: Amend by striking out of Section 1, line 14, the words "mining district or," after the word "the" and before the word "county."

Also: Strike out all of lines 7, 8, and 9 of Section 2.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 142, etc.—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location—with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 353—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 353 refused passage by the following vote:

AYES—Senators Burnett, Chapman, Curtin, Doty, Dwyer, Hall, Hoey, Pace, Prisk, and Taylor—10.

NOES—Senators Bettman, Boyce, Brauhart, Bulla, Davis, Dickinson, Gillette, Jones, La Rue, Luchsinger, Morehouse, Nutt, Rowell, Smith, Stratton, Trout, and Wolfe—17.

Senate Bill No. 349—An Act to amend Sections 1912, 1913, 1914, 1917, 1920, 1922, 1934, 1936, 1939, 1940, 1941, 1943, 1951, 1952, 1954, 1955, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1990, 1991, 1992, 1993, 2003, 2004, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2094; to repeal Sections 1902, 1918, 1923, 1927, 1929, 1937, 1938, 1969, 2003 as approved April 1, 1897, 2054, 2055, 2056, 2057, 2058, 2064, 2065, 2066, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2099, 2105, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, and to add new sections, to be known and numbered as Sections 1959*a*, 1977, 1978, 1987, 1988, 1989, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2038*a*, 3033, 3034, and 1967*a*, all of and to the Political Code of the State of California, relating to the National Guard.

Read third time.

Senator Boyce moved that Senator Burnett be appointed a special committee of one to amend the bill as follows:

Amend by inserting in Section 3, line 6, after the word "Brigadier-General" the words "one Surgeon-General."

Also: Amend by inserting in Section 3, line 8, after the word "General" the words "one Inspector-General of rifle and small arms practice."

Also: Amend by inserting in Section 24, line 5, after the words "with the grade of" the word "Lieutenant."

Also: After the words "shall be," in line 6 thereof, the word "assistant."

Also: In lines 6 and 7 of Section 24 strike out the words "and executive head of the sanitary corps."

Also: In line 18 of Section 24, after the words "who shall be," insert the word "assistant."

Also: Amend by striking out in Section 27½, in lines 7 and 8, the words "Major-General" and inserting the words "Commander-in-Chief" in lieu thereof.

Motion lost.

Senator Stratton moved that Senator Taylor be appointed a special committee of one to amend the printed bill as follows:

Amend by inserting in line 9, page 7, Section 1959, after the word "provided," the following: "that any military organization having the minimum number required to constitute a company, composed of veterans of the Civil War, if, upon the required examination, be found capable of efficient service to the State in the performance of active, garrison or other military duty, may be organized and mustered into the military service of the State, notwithstanding the members thereof may be over the age of forty-five years; and such companies or organizations when so constituted shall be mustered into and become a part of the National Guard of the State and shall be subject to all the laws regulating and governing the National Guard."

Motion lost.

Senator Nutt moved that Senator Dwyer be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 150, line 27, page 60, commencing with the word "said" and ending with the word "paymaster," in line 55, page 61, of said section.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 349 passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—27

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 73—An Act for the relief of district agricultural associations, and appropriating money therefor.

Bill read third time on a previous day.

Senator Gillette moved that Senator Prisk be appointed a special committee of one to amend bill as follows:

Amend by striking out of Section 2 all after the word "claim," in line 5, down to and including the word "State," in line 7.

Also: Change the comma after the word "claim" to a period.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 73 passed by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, La Rue, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—24.

NOES—Senators Bettman, Bulla, Gillette, and Wolfe—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Smith moved a reconsideration of the vote whereby Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel—was passed.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Braunhart, Bulla, Curtin, Doty, Dwyer, Flint, Gillette, Jones, La Rue, Prisk, Rowell, Shortridge, Smith, and Stratton—14.

NOES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Davis, Dickinson, Hall, Hoey, Luchsinger, Morehouse, Nutt, Simpson, Taylor, Trout, and Wolfe—16.

MOTION TO RECONSIDER VOTE POSTPONED.

In compliance with his notice given on yesterday, Senator Rowell moved a reconsideration of the vote whereby Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—was passed.

The motion was seconded.

Senator Rowell moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 249 was passed be postponed until Monday, March 13, 1899.

So ordered.

LEAVE OF ABSENCE.

Senator Dwyer was granted leave of absence until Tuesday, March 14, 1899, on his own motion.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace.

Also: Senate Bill No. 215—An Act for the relief of Julius A. Holt, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service.

Also: Senate Bill No. 324—An Act appropriating \$5,000 to pay the claim of Addie McGinness.

And report that the same have been correctly enrolled, and presented the same to the Governor on this tenth day of March, 1899, at two o'clock and twenty minutes P. M.

Also: Senate Bill No. 22—An Act to create the Harbor of Oakland, defining its boundaries, and creating a State Harbor Commission for the Harbor of Oakland, to consist of three commissioners, and providing for the manner and time of their appointment, defining their qualifications, powers, duties, and jurisdiction, fixing their terms, salaries, and their bonds, and providing how vacancies shall be filled; providing for the appointment of a secretary, attorney, chief engineer, chief wharfinger, collectors, and other employees, and providing for the manner of their appointment, and defining their duties and fixing their tenure of office; providing for the deposit of all moneys collected by the Harbor Commissioners with the State Treasurer, and defining his duties in relation thereto; and making the disobedience of the rules and regulations of the board or employees a misdemeanor, and providing a penalty of a fine not to exceed \$300, or imprisonment not exceeding one hundred days, as a punishment therefor; and making it a misdemeanor to deposit any substance obstructing navigation in the waters under their jurisdiction, and providing a punishment thereof of a fine of not less than \$100, and not more than \$500, or by imprisonment of not less than thirty nor more than ninety days; and making it a misdemeanor to drive horses, or mules, or vehicles upon any wharf, pier, quay, landing, thoroughfare, faster than a walk, and providing a punishment of a fine of not more than \$20, or imprisonment of not more than ten days; and providing that the Police Court of the City of Oakland shall have jurisdiction of all such misdemeanors herein provided; and making it a misdemeanor for masters, owners, or consignees of vessels or railroad to refuse or to neglect to deliver to the wharfinger or other employee of the board a statement of the quantity of merchandise intended to be discharged, and making the punishment therefor a fine of not more than \$100, or imprisonment of not more than three months, or both; and making it a misdemeanor for any such person to discharge, or to allow to be discharged, from any such vessel or car any part of its cargo or load, or receive, or allow to be received, on such vessel or car any such part of its cargo or load, and providing a punishment of a fine not exceeding \$500, or imprisonment not exceeding one hundred days, or by both such fine and imprisonment; and providing that the Attorney-General shall furnish advice to the board when required.

Also: Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

Also: Senate Bill No. 536—An Act to add a new section to the Political Code of the State of California, to be numbered 1118, relating to registration.

And report that the same have been correctly enrolled, and presented the same to the Governor on this tenth day of March, 1899, at nine o'clock and fifty-five minutes P. M.

Also: Senate Bill No. 440—An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments.

Also: Senate Bill No. 68—An Act to amend Section 2 and Section 38 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, concerning changes in the grade of streets.

Also: Senate Bill No. 80—An Act to add a new section to the Civil Code of the State of California, to be numbered Section 3443.

Also: Senate Bill No. 695—An Act to amend Section 5 of "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893.

And report that the same have been correctly enrolled, and presented the same to the Governor on this tenth day of March, 1899, at seven o'clock and fifteen minutes P. M.

JONES, Chairman.

ON BANKS AND BANKING—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 987—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Assembly Bill No. 987 ordered on special file of Assembly bills for second reading.

ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned until nine o'clock and thirty minutes A. M. of Saturday, March 11, 1899.

IN SENATE.

SENATE CHAMBER,
Saturday, March 11, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Flint, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—27.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Friday, March 10, 1899, was read.

The Journal of Wednesday, March 8, 1899, was approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the sum of \$27 29 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to the Postal Telegraph Cable Company, for telegrams ordered by the Senate as per accompanying bill. The Controller of State is hereby authorized to draw his warrant for said amount, and the Treasurer is directed to pay the same.

March 2—Telegram to Thomas B. Reed, Washington, D. C.....	\$9 33
March 3—Telegram to Marion De Vries, Washington, D. C.....	6 18
March 7—Telegram to Marion De Vries, Washington, D. C.....	11 78
	<hr/>
	\$27 29

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Burnett, Chapman, Davis, Doty, Flint, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Sims, Smith, Stratton, and Trout—22.

NOES—None.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 542—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for his salary and expenditures provided for and authorized by this Act"—have had the same under consideration, and respectfully report the same back without recommendation.

JONES,
ASHE,
MAGGARD,
DAVIS,
LA RUE,
Committee.

Assembly Bill No. 542 ordered on special file of Assembly bills for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 878—An Act to provide for the survey, location, and construction of a public highway or wagon road from the City of Merced to the Yosemite Valley, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DICKINSON, Chairman.

Assembly Bill No. 878 ordered on special file of Assembly bills for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897.

JONES, Chairman.

Senate Bill No. 360 ordered on file for passage.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 652—An Act to create a Board of Commissioners of Building and Loan Associations, to fix and prescribe its powers and duties, and to repeal all conflicting Acts—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WOLFE, Chairman.

Assembly Bill No. 652 ordered on special file of Assembly bills for second reading.

MESSAGES FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 525—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward for the arrest and conviction of Francisco Torres.

Also: Assembly Bill No. 54—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 642—An Act to appropriate the sum of \$300 to pay the claim of Theodore Pliesch, for money due and owing to said Theodore Pliesch from the State of California.

Also: Assembly Bill No. 878—An Act to provide for the survey, location, and construction of a public highway or wagon road from the City of Merced, in the County of Merced, to the Yosemite Valley, and making an appropriation therefor.

Also: Assembly Bill No. 905—An Act making an appropriation for the purpose of sinking a gas well, or wells, on the grounds of the Agnews State Hospital.

Also: Assembly Bill No. 449—An Act concerning a Veteran Volunteer Firemen's Association of California, and to provide for its management and control, and to appropriate money for its support, and relating to enrollment, formation into fire companies, and service as firemen of such veteran volunteer firemen.

Also: Assembly Bill No. 630—An Act to appropriate the sum of \$17,000 for the purpose of establishing a water sprinkling and pumping plant in the Yosemite Valley.

Also: Assembly Bill No. 368—An Act to appropriate money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Also: Assembly Bill No. 741—An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor, and to prescribe the punishment for a violation of the game laws of this State."

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 525 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 54 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 642 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 878 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 905 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 449 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No 630 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 368 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 741 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully struck from its file Senate Bill No. 182—An Act authorizing cities and towns of the sixth class to obtain by purchase, donation, or devise, lands for cemetery purposes; and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same.

Also: Adopted Assembly Constitutional Amendment No. 24—A resolution to add a new section to Article XIII of the Constitution, to be numbered Section 14½.

Also: Adopted Assembly Joint Resolution No. 20—Relative to an inquiry into the alleged servitude in Siberia of Ira Whitney and companions.

Also: Received the report of the conference committee upon Assembly Bill No. 4—An Act to create an Exempt Firemen's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen—wherein it is reported that the committee failed to agree and the Assembly appointed as a free conference committee to meet a like committee from the Senate, Assemblymen Johnson, Kelley, and E. D. Sullivan.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Constitutional Amendment No. 24 referred to Committee on Judiciary.

Assembly Joint Resolution No. 20 referred to Committee on Federal Relations.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the request of the Assembly, the President appointed Senators Boyce, Doty, and Burnett a committee of free conference on Assembly Bill No. 4.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 447—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by repealing Section 11½ thereof, relating to contracts for the sale, rental, and distribution of water and the sale or rental of easements and servitudes of the right to the flow and use of water, approved March 2, 1897.

Also: Amended, and passed as amended, Senate Bill No. 127—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893.

Also: Concurred in Senate amendments to Assembly Bill No. 597—An act authorizing the Attorney-General to appoint a competent person to compile and index the opinions of the Attorneys-General of the State of California, and making an appropriation for the payment of such compilation and indexing.

Also: Concurred in Senate amendments to Assembly Bill No. 662—An Act making an appropriation to pay the salaries of the employés of the Commissioner of Public Works.

Also: Passed Assembly Bill No. 377—An Act to amend Section 632 of the Penal Code, relating to fish.

Also: Passed Assembly Bill No. 234—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgment.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 377 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 234 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 447 read first time, and referred to Committee on Banks and Banking.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 127?"

Strike out all after the enacting clause, and insert as follows:

"SECTION 1. All commissions or fees paid by the State to the officers of any county, or city and county, for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes are hereby abolished; *provided*, that this shall not affect the commissions paid to the Assessor of the several counties for services rendered in the collection of personal property taxes, as provided by Chapter VIII of the Political Code, or the mileage allowed to the Treasurer of the several counties, or cities and counties, in making settlements with the State, as provided by section thirty-eight hundred and seventy-six of the Political Code.

"SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

"SEC. 3. This Act shall take effect from and after the first Monday in May, eighteen hundred and ninety-three."

Also: "An Act to repeal an Act entitled 'An Act to abolish commissions or fees paid by the State for the assessment, equalization, auditing, and collection of ad valorem taxes,' approved February 23, 1893."

Also: Amend by striking out in line 11 of Section 1 of printed bill, the word: "sevnty," and inserting in lieu thereof the word "seventy."

Also: By striking out the words "the first Monday in May, 1893," where they occur in lines 1 and 2 of Section 3, page 1, printed bill, and inserting in lieu thereof the words "its passage."

Also: Amend by striking out the figures "1983," in line —, page —, printed bill, and inserting in lieu thereof the figures "1893."

Also: Amend the title so as to make it read as follows: "An Act to abolish commissions or fees paid by the State for the assessment, equalization, auditing, and collection of ad valorem taxes."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bulla, Chapman, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Smith, Stratton, Trout, and Wolfe—23.

NOES—Senators Burnett and Laird—2.

The Secretary was directed to inform the Assembly, by message, that the Senate had concurred in Assembly amendments to Senate Bill No. 127.

Senate Bill No. 127 ordered to reëngrossment and enrollment.

LEAVE OF ABSENCE.

Senator Cutter was granted leave of absence until Monday, on motion of Senator Maggard.

MOTION TO RECONSIDER VOTE POSTPONED.

In compliance with his notice given on yesterday, Senator Stratton moved a reconsideration of the vote whereby Assembly Bill No. 37—An Act relating to certain contracts, conditional sale, lease, or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof—was refused passage.

The motion was seconded.

Senator Stratton moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 37 was refused passage be postponed until Monday, March 13, 1899, at two o'clock p. m.

So ordered.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Chapman asked unanimous consent to withdraw Senate Bill No. 435—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures

provided for and authorized by this Act"—and to substitute therefor on Senate special file Assembly Bill No. 542—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for his salary and expenditures provided for and authorized by this Act."

Consent granted.

Senate Bill No. 435 withdrawn and stricken from file, and Assembly Bill No. 542 substituted therefor.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 360 passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Sims, Smith, and Stratton—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 232—An Act authorizing the Secretary of State to appoint a clerk in addition to the number now allowed by law, and to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 232 refused passage by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Chapman, Curtin, Dickinson, Hall, Hoey, Luchsinger, Maggard, Morehouse, Prisk, Simpson, and Stratton—14.

NOES—Senators Boyce, Burnett, Davis, Gillette, Jones, Laird, La Rue, Nutt, Rowell, Sims, Smith, and Trout—12.

NOTICE OF MOTION TO RECONSIDER.

Senator Boyce gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 232 was this day refused passage.

Senate Bill No. 301—An Act entitled "An Act to amend Section 3 of an Act entitled 'An Act to provide work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885."

Pending motion to refer to a special committee of one, Senator Davis moved that further consideration be postponed until next legislative day.

Motion carried.

On motion of Senator Bulla, Senate Bill No. 524 was taken up for consideration.

Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts,

and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 524 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Chapman, Davis, Dickinson, Doty, Gillette, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Stratton, and Trout—22.

NOES—Senators Burnett, Hall, Hoey, and Laird—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 542—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for his salary and expenditures provided for and authorized by this Act."

During the second reading of bill, the following amendments were offered by Senator Chapman:

Amend by striking out of the title all after the words "An Act," first line of title, and inserting in lieu thereof the following: "To amend Section 4 of an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April 1, 1897, and making an appropriation to pay the salary and expenditures provided for and authorized by said Act, for the remainder of the fiftieth and for the fifty-first and fifty-second fiscal years."

Amendment adopted.

Also: Amend Section 1, line 36, by inserting the word "contract" after the word "contemplated."

Amendment adopted.

Also: Amend by striking out of Section 1, line 57, the word "solely."

Amendment adopted.

Also: Amend by striking out of Section 2, lines 1 and 2, the words "Section six is amended so as to read as follows: Section 6."

Amendment adopted.

Also: Amend by striking out of Section 2, line 5, the word "this" and inserting the word "said."

Amendment adopted.

Also: Amend by striking out of Section 2, line 9, the words "traveling expenses of" and inserting the following: "salary, traveling, and other expenses incurred by."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senator Dickinson requested that he be granted permission to introduce a bill to be known as Senate Bill No. 733.

On this question the roll was called, with the following result:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—28.

NOES—None.

Whereupon the President announced that Senator Dickinson, having received the consent of two thirds of the members, as required by Section 2 of Article IV of the Constitution, was entitled to introduce a bill.

INTRODUCTION OF BILL.

The following bill was introduced:

By Senator Dickinson: Senate Bill No. 733—An Act making an appropriation for the pay of officers and clerks of the Senate of the thirty-third session.

Read first time, and referred to Committee on Finance and Claims.

THIRD-READING FILE.

Senate Bill No. 450—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Bulla moved a call of the Senate.

Motion carried.

Time, eleven o'clock and twelve minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and eighteen minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Luchsinger.

The roll of absentees was called, and the President announced Senate Bill No. 450 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Curtin, Davis, Doty, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Stratton, Trout, and Wolfe—22.

NOES—Senators Bettman, Bulla, Dickinson, Gillette, and Sims—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Morehouse gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 450 was this day passed.

CONSIDERATION OF THIRD-READING FILE—(RESUMED).

Senate Bill No. 167—An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure."

Read third time.

Senator Wolfe moved that Senator Hall be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, subdivision 3, lines 16 and 17, the words "from an order appointing a receiver."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 167 passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Bulla asked unanimous consent to withdraw Senate Bill No. 143—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes—and substitute on file therefor Assembly Bill No. 283.

Consent granted.

Senate Bill No. 143 withdrawn and ordered stricken from the file, and Assembly Bill No. 283 substituted therefor on file.

Assembly Bill No. 283—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Read second time, and ordered to third reading.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Flint, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 11, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Substitute for Senate Bill No. 105—An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 11, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have appointed Mrs. Phoebe Hearst a Regent of the University of California instead of J. West Martin, to hold office for the unexpired term from and after the adjournment of this thirty-third session of the Legislature; also, that I have appointed Dr. George C. Pardee, of Oakland, State of

California, a Regent of the University of California, instead of James D. Phelan, to hold office for the unexpired term from and after the adjournment of this thirty-third session of the Legislature, and I respectfully ask your concurrence in said appointments.

HENRY T. GAGE,
Governor of the State of California.

Senator Flint moved that the Senate, by unanimous consent, suspend the rules for the purpose of now considering the Governor's appointments above set forth.

Motion carried.

CONSIDERATION OF THE GOVERNOR'S APPOINTMENTS.

The President put the question, "Will the Senate advise and consent to the appointment of Mrs. Phoebe Hearst as Regent of the University of California, vice J. West Martin?"

The roll was called, with the following result:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—27.
NOES—None.

Whereupon the President announced that the appointment of Mrs. Phoebe Hearst had been duly confirmed as a Regent of the University of California.

The President put the question, "Will the Senate advise and consent to the appointment of George C. Pardee as a Regent of the University of California, vice James D. Phelan?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—29.
NOES—None.

Whereupon the President announced that the appointment of George C. Pardee had been duly confirmed as a Regent of the University of California.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

On motion of Senator Dickinson, Senate Constitutional Amendment No. 22 was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 22.

To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, and 23, and annulling Section 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

The Legislature of the State of California, at its regular session commencing on the second day of January, eighteen hundred and ninety-nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that sections one, two, three, four, ten, twelve, fourteen, sixteen, seventeen, eighteen, twenty-one, and twenty-three of article six of the Constitution of said State be amended so as to read as follows; and that section twenty-four of said article be and the same is hereby annulled.

ARTICLE VI.

Judicial Department.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices; *provided*, that the Chief Justice and the Associate Justices in office at the time of

the adoption of this amendment shall continue in office and constitute the court until the expiration of their respective terms of office; and *provided further*, that at the expiration of the term of office of the two Justices having at the time of the adoption of this amendment the shortest terms to serve, their offices shall be abolished. The presence of a majority of the Justices shall be necessary for the transaction of business (except such as may be done at chambers), and the concurrence of a majority of the Justices shall be necessary to pronounce a judgment.

The Supreme Court shall hold all of its sessions at San Francisco. There shall be three regular sessions each year, beginning on the second Monday in January, May, and September. Special sessions may be held at any time on the order of the Chief Justice or of three Associate Justices.

The Chief Justice and the Justices of the Supreme Court shall be elected by the qualified electors of the State at large at the general State elections at the times and places at which State officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election.

If a vacancy occur in the office of a Justice the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy, which election shall take place at the next succeeding general election at which State officers are elected, and the Justice so elected shall hold the office for the remainder of the unexpired term.

The Supreme Court shall have appellate jurisdiction direct from the Superior Courts in every action, proceeding, or special proceeding where is necessarily drawn in question the validity of a statute, or of an authority exercised under the United States; or where is necessarily drawn in question the construction of any provision of the Constitution or of any right or authority exercised thereunder, or the validity of any statute or law of this State, which is claimed to be repugnant to this Constitution; or where is necessarily drawn in question any title, right, privilege, power, authority, or immunity claimed to exist under the Constitution of this State or the Constitution or laws of the United States; or where is necessarily drawn in question the legality of any tax, impost, or assessment; in all proceedings in exercise of the right of eminent domain; in actions or proceedings for usurpation or intrusion into, or unlawful holding of, a public franchise; also, in all criminal actions (on questions of law alone) in which the judgment shall be death or imprisonment for life; and also in all cases in which the fact of the adoption by a city, or of a city and county, of a charter for its own government, or the validity of the same, or any part thereof, or of any authority exercised thereunder, is necessarily drawn in question. It shall also have appellate jurisdiction in every action, proceeding, or special proceeding determined by any District Court of Appeal the record in which may, by order pursuant to the further provisions on these subjects hereinafter contained in this article, be directed to be transmitted to it. It shall also have jurisdiction in every action, proceeding, and special proceeding which shall actually have been submitted to it for decision before the organization of the District Courts of Appeal established by this amendment, and of every pending cause which shall not be transferable to the District Court of Appeal as hereinafter provided. And in all cases in which the Supreme Court shall acquire jurisdiction it shall have further jurisdiction to decide all questions properly presented on the record, whether or not they be such as of themselves would entitle the court to take jurisdiction of the cause.

Sec. 3. The State is hereby divided into three Appellate Districts, in each of which there shall be a District Court of Appeal consisting of three Justices. There shall in each year be four regular sessions of each District Court of Appeal, commencing on the second Monday in February, May, August, and November. Special sessions may be held at any time upon the order of the court.

The First Appellate District shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito. The official designation of the District Court of Appeal in this district shall be "The Court of Appeal of the State of California in and for the First District," and it shall hold its sessions at the City and County of San Francisco.

The Second Appellate District shall embrace the following named counties in the State: Fresno, Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego. The official designation of the District Court of Appeal for this district shall be "The Court of Appeal of the State of California in and for the Second District," and the court shall hold its sessions at the City of Los Angeles.

The Third Appellate District shall embrace the following named counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, Mono, Mariposa, Madera, and Merced. The official designation of the District Court of Appeal of this district shall be "The Court of Appeal of the State of California in and for the Third District," and the court shall hold its sessions at the City of Sacramento.

The Legislature may remove one or more counties from one Appellate District to another, but no county not contiguous to another county of a district shall be added to such district.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general State elections at the times and places at which State officers are elected, and the term of office shall be twelve years from and

after the first Monday after the first day of January next succeeding the election; *provided*, that on or before the first day of January after this amendment takes effect the Governor shall appoint three Justices for each District Court of Appeal, to hold office until qualification of Justices to be elected at the next succeeding general election. The Justices of each District Court of Appeal so elected at the first election shall, at their first meeting, so classify themselves by lot that one of them shall go out of office at the end of four years, one at the end of eight years, and the third at the end of twelve years. An entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State.

If a vacancy occur in the office of a Justice of the District Court of Appeal, the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy. Such election shall take place at the next succeeding general election at which State officers are elected, and the Justice so elected shall hold the office for the remainder of the unexpired term.

The Justices of each of the District Courts of Appeal shall elect one of their number as a presiding Justice. The presence of three Justices shall be necessary for the transaction of any business by such court, and the concurrence of two Justices shall be necessary to pronounce a judgment.

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining Justices may select one of the Justices of a District Court of Appeal to act *pro tempore* in the place of the Justice so disqualified or unable to act. Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Chief Justice may appoint a Judge of a Superior Court, who has not acted in the cause in the court below, to act *pro tempore* in the place of the Justice so disqualified or unable to act. A Justice of one District Court of Appeal may at any time sit as a Justice *pro tempore* in any other District Court of Appeal upon the written request of any Justice of said court; every Justice *pro tempore* of the Supreme Court or of the District Court of Appeal, while acting as such, shall have the same power and authority as the Justice of such court.

The several District Courts of Appeal shall have appellate jurisdiction in every civil action, proceeding and special proceeding commenced and determined and (on questions of law alone) in every criminal action prosecuted by indictment or information in the Superior Courts within their several appellate districts, excepting only those actions, proceedings, or special proceedings in which an appeal direct to the Supreme Court from the Superior Courts is expressly allowed by this article. The statutes now in force allowing, providing for and regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as consistent with this article until the Legislature shall make provisions for appeals to said courts.

The judgments and decrees of the District Courts of Appeal shall be final in all causes embraced within their appellate jurisdiction, except in the following cases:

In any cause decided by a District Court of Appeal, if the decision of such Court of Appeal conflicts with a previous decision of the Supreme Court, or of another District Court of Appeal, the Supreme Court shall, upon petition to be filed within thirty days after entry of judgment in the District Court of Appeal, order the cause to be heard by the Supreme Court, and thereupon the record shall be transmitted to the Supreme Court, which shall hear and determine the cause.

The Supreme Court, or any Justice thereof, shall have power to issue writs of habeas corpus, and shall have power to issue writs of mandamus, certiorari, and prohibition to the District Courts of Appeal, and shall likewise have power to issue all writs, orders, and process necessary or proper to the complete and effectual exercise of its appellate jurisdiction. It shall also have power to issue writs of mandamus, certiorari, and prohibition in any matter affecting a State, Congressional, or Presidential election. The District Courts of Appeal shall have power to issue within their respective districts writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, and shall likewise have power within such districts to issue all writs and orders necessary or proper to the complete and effectual exercise of their appellate jurisdiction. Each Justice of the District Courts of Appeal shall have power to issue writs of habeas corpus to any part of the appellate district in which he sits, and any such writ may be made returnable before the Justice who issued it, or the court from which it was issued, or any Justice thereof, or before any lower court of record, or before any Judge thereof.

Unless oral argument be waived by the parties with the consent of the court every cause and matter in the Supreme Court and in any District Court of Appeal (except such application as may be made *ex parte*) shall be orally argued by the parties or their counsel in open court; but this shall not prevent the courts from requiring that the points to be argued and considered, together with a list of authorities to sustain such points, shall be printed and filed before a cause is taken up for argument. Not more than twenty cases (except *ex parte* applications) shall be under submission for decision at any one time in the Supreme Court or in any District Court of Appeal. All decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing and the grounds of the decision shall be stated. A remittitur or mandate must issue on every judgment of said courts on or before the expiration of thirty days after the rendition thereof.

SEC. 4. The Supreme Court shall, upon the organization of the District Courts of Appeal, transfer to them respectively any causes then pending in the Supreme Court

and which have not been heard as are within the class of causes over which such District Courts have appellate jurisdiction; and upon such transfer the District Courts of Appeal shall have full jurisdiction to hear and determine the same.

SEC. 10. Justices of the Supreme Court, of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers except Justices of the Peace may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the reasons therefor be entered on the Journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the Journal.

SEC. 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature may prescribe, shall be courts of record.

SEC. 14. The County Clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment by the several Superior Courts of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 16. The Legislature shall provide for the speedy and uniform publication of such opinions of the Supreme Court and of the District Courts of Appeal as may be ordered by said courts, respectively, and all such opinions shall be free for publication by any person.

SEC. 17. The Justices of the Supreme Court, of the District Courts of Appeal, and the Judges of the Superior Courts shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court, of the District Courts of Appeal, and of the Judges of the Superior Courts shall be paid by the State. Unless otherwise changed by the Legislature the annual salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be six thousand dollars each. Unless otherwise changed by the Legislature the Judges of the Superior Court shall receive an annual salary as now provided by law.

SEC. 18. The Justices of the Supreme Court, of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

SEC. 21. The Supreme Court shall appoint a clerk of that court, but the present clerk of the court shall hold office until the expiration of his term of office; a phonographic reporter and a bailiff, who shall severally hold his office and be removable at the pleasure of the court. Each District Court of Appeal shall appoint a clerk, phonographic reporter, and bailiff, who shall severally hold his office and be removable at the pleasure of the court by which he is appointed. The Supreme Court shall appoint a reporter of decisions, who shall appoint an assistant reporter for each of the District Courts of Appeal. All of said officers shall hold office and be removable at the pleasure of the Supreme Court. The decisions of the District Courts of Appeal shall be published in the same volumes with the opinions of the Supreme Court under the same general title of California Reports; and all statutes in relation to the publication of the opinions of the Supreme Court shall be deemed to apply to the publication of the decisions of the District Courts of Appeal.

SEC. 23. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

SEC. 24. Section twenty-four is hereby annulled.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 22 adopted by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Chapman, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoy, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—27.

NOES—Senator Laird—1.

CONSIDERATION OF THIRD-READING FILE—(RESUMED).

Senate Bill No. 251—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Read third time.

The question being on the passage of the bill.

The roll was called.

Senator Bulla moved that Senators present be not excused from voting on any bill on which the roll shall be called.

Motion carried.

Whereupon the President declared that Senate Bill No. 251 was refused passage by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Curtin, Dickinson, Doty, Hall, Hoey, Jones, Maggard, Morehouse, Shortridge, Smith, Stratton, Trout, and Wolfe—16.

NOES—Senators Bettman, Bulla, Chapman, Davis, Flint, Gillette, Laird, La Rue, Luchsinger, Nutt, Prisk, Simpson, and Sims—13.

LEAVE OF ABSENCE.

Senator Bettman was granted leave of absence until Monday, March 13, 1899, on his own motion.

Senator Maggard was granted leave of absence until Monday, March 13, 1899, on his own motion.

Senator Laird was granted leave of absence until Monday, March 13, 1899, on his own motion.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER, }
Saturday, March 11, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—32.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—72.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Friday, March 10, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, March 10, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, and Stratton—6.

For D. M. Burns—Senators Burnett, Hoey, Laird, Shortridge, Simpson, and Wolfe—6.

For U. S. Grant, Jr.—Senators Boyce, Jones, Nutt, Smith, and Trout—5.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For Gavin McNab—Senators Braunhart, Chapman, Curtin, Doty, La Rue, Pace, Prisk, and Sims—8.

For James D. Phelan—Senator Hall—1.

For Samuel Braunhart—Senator Ashe—1.

Whole number of votes cast by Senators.....	30
W. H. L. Barnes received	6 votes.
D. M. Burns received	6 votes.
U. S. Grant, Jr., received	5 votes.
Irving M. Scott received	3 votes.
Gavin McNab received	8 votes.
James D. Phelan received	1 vote.
Samuel Braunhart received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Robinson, and Valentine—13.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kenneally, Lundquist, McKeen, Pierce, Rickard, Eugene Sullivan, and Wright—16.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Raub, Raw, and Works—18.

For Irving M. Scott—Messrs. Cosper and Dunlap—2.

For John Rosenfeld—Mr. Crowley—1.

For Gavin McNab—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Fairweather, Griffin, Hoey, Mack, Mead, Meserve, Sanford, E. D. Sullivan, Wardell, and White—15.

For James D. Phelan—Mr. Glenn—1.

For Samuel Braunhart—Messrs. Feliz, Hanley, and O'Brien—3.

Whole number of votes cast by Assemblymen	70
W. H. L. Barnes received	13 votes.
M. M. Estee received	1 vote.
D. M. Burns received	16 votes.
U. S. Grant, Jr., received	18 votes.
Irving M. Scott received	2 votes.
John Rosenfeld received	1 vote.
Gavin McNab received	15 votes.
James D. Phelan received	1 vote.
Samuel Braunhart received	3 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	100
Necessary to a choice	51
W. H. L. Barnes received	19 votes.
M. M. Estee received	1 vote.
D. M. Burns received	22 votes.
U. S. Grant, Jr., received	23 votes.
Irving M. Scott received	5 votes.
John Rosenfeld received	1 vote.
Samuel Braunhart received	4 votes.
Gavin McNab received	23 votes.
James D. Phelan received	2 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-three minutes P. M., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Monday, March 13, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-eight minutes P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Chapman, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, and Stratton—22.

Quorum present.

RECESS.

At twelve o'clock and thirty minutes P. M., the hour of recess having arrived, the President of the Senate declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Braunhart, Bulla, Curtin, Dickinson, Doty, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Trout, and Wolfe—21.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 292—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

The bill having been read third time on a previous day, the question was its passage.

The roll was called, and Assembly Bill No. 292 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 440—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors and by the municipal authorities of cities and towns to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations, when found necessary, without offering the same for sale, excepting from the operation of this Act any property under the jurisdiction or control of any Board of State Harbor Commissioners.

Passed on file.

Assembly Bill No. 847—An Act to amend Section 2712 of the Political Code, relative to bridges, subways, and culverts.

Passed on file.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Read third time, and passed on file.

Assembly Bill No. 22—An Act to add a new section to the Penal Code to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of, or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 22 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 441—An Act to amend Section 7 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 441 finally passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 574—An Act to pay the claim of Talbot H. Wallis.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the words "against the State of California," in title, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the words "from and after its passage," in line 1, Section 2, page 1, printed bill, and inserting in lieu thereof the following: "after the first day of January, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 606—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the Capitol building and furniture, etc.

During the second reading of bill, the following amendment was offered by Senator Dickinson:

Amend by striking out of Section 3, line 1, the word "immediately," and inserting the following: "January first, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 664—An Act making an appropriation to pay the deficiency for stationery, fuel, light, and supplies for the Legislature and State officers for the forty-eighth fiscal year.

During the second reading of bill, the following amendment was offered by Senator Dickinson:

Amend by striking out of Section 3, line 1, the word "immediately," and inserting the following: "January first, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 665—An Act making an appropriation to pay the deficiency for stationery, fuel, light, and supplies for the Legislature and State officers for the forty-ninth fiscal year.

During the second reading of bill, the following amendment was offered by Senator Dickinson:

Amend by striking out of Section 3, line 1, the word "immediately," and inserting the following: "January first, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 695—An Act making an appropriation to pay the deficiency in the appropriation for repairs of the Capitol building and furniture for the fiftieth fiscal year.

During the reading of substitute, the following amendment was offered by Senator Dickinson:

Amend by striking out of Section 3, line 1, the word "immediately" and inserting the following: "January first, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 696—An Act making an appropriation to pay the deficiency in the appropriation for the purchase of furniture and carpets in the Capitol building for the fiftieth fiscal year.

During the second reading of bill, the following amendment was offered by Senator Dickinson:

Amend by striking out of Section 3, line 1, the word "immediately" and inserting the following: "January first, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 618—An Act making an appropriation to pay the claim of Office Specialty Manufacturing Company, for metallic furniture furnished the Clerk of the Supreme Court, at Sacramento.

Read second time, and ordered to third reading.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND READING OF BILLS.

On motion of Senator Smith, the second reading of Assembly bills only was proceeded with.

Assembly Bill No. 306—An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Read second time, and ordered to third reading.

Assembly Bill No. 622—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half-orphans, and abandoned children," approved March 25, 1880.

Read second time, and ordered to third reading.

Assembly Bill No. 303—An Act making an appropriation to pay mileage to A. E. Pomeroy, Percy R. Wilson, J. Marion Brooks, and T. P. Lukens from Los Angeles to the cities named in attending the joint meetings of the Normal School boards held at San José, June 27, 1897, and at Sacramento, December 14, 1898.

Read second time, and ordered to third reading.

Assembly Bill No. 211—An Act to pay the claim of Abraham W. Rapelye against the State of California, and making an appropriation therefor.

Read second time, and ordered to third reading.

Assembly Bill No. 34—An Act for the relief of W. C. Guirey.

Senator Dickinson moved to deny the bill second reading.

Motion carried.

The Secretary was directed to inform the Assembly, by message, of the action of the Senate on above bill.

Assembly Bill No. 272—An Act to repeal an Act entitled "An Act authorizing the Controller to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year"; to create the office of Expert to the Controller, and prescribing his compensation.

Read second time, and ordered to third reading.

At three o'clock and fifteen minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 279—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

During the second reading of bill, the following amendment was offered by Senator Wolfe:

Amend by striking out the word "the" before "Senate" and after the word "in" of the title.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 554—An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same.

During the second reading of bill, the following amendments were offered by Senator Dickinson:

Amend by adding "ing" to "belong" in line 1, Section 1.

Amendment adopted.

Also: Amend by striking out the word "or" in line 3, Section 1.

Amendment adopted.

Also: Strike out all of Section 1 after "treasury" in line 33.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 730—An Act to appropriate the sum of \$1,300 to pay the claim of William Henry Murray, for money due and owing to the said William Henry Murray from the State of California.

Read second time, and ordered to third reading.

Assembly Bill No. 938—An Act authorizing the Governor to order the transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof of such funds.

Read second time, and ordered to third reading.

Assembly Bill No. 392—An Act to authorize counties, cities and counties, and towns, to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths for the use of pedestrians, and the wheeling thereon of such vehicles.

Read second time, and ordered to third reading.

Assembly Bill No. 260—An Act to amend Sections 1 and 4 of an Act entitled "An Act to provide for the burial of ex-Union soldiers, army nurses, sailors, and marines in this State, who may hereafter die with-

out leaving sufficient means to defray funeral expenses," approved March 15, 1880.

During second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the word "of" between the figure "4" and the word "an," in first line of title.

Amendment adopted.

Also: Amend by striking out the word "is" in Section 1, line 1, and inserting in lieu thereof the word "are."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 954—An Act to amend Section 134 of the Code of Civil Procedure of the State of California, relating to holidays.

Read second time, and ordered to third reading.

Assembly Bill No. 955—An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to holidays.

Read second time, and ordered to third reading.

Assembly Bill No. 956—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Read second time, and ordered to third reading.

Assembly Bill No. 957—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Read second time, and ordered to third reading.

Assembly Bill No. 325—An Act relating to the liens of miners and others upon mining claims.

During the second reading of bill, the following amendment was offered by Senator Davis:

Amend the enacting clause by striking out the word "the" after the word "in" in line 1 thereof, and before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print and third reading, and, on motion of Senator Davis, re-referred to Committee on Mines, Drainage, and Débris, but to retain place on file.

Assembly Bill No. 140—An Act to repeal an Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits, approved March 27, 1897.

Read second time, and ordered to third reading.

Assembly Bill No. 334—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund money now in the San Francisco Depot Sinking Fund.

Read second time, and ordered to third reading.

Assembly Bill No. 583—An Act to amend Section 2651 of the Political Code, relating to the General Road Fund and highway taxes.

Passed on file.

Assembly Bill No. 682—An Act to amend Section 2655 of the Political Code, relating to highway taxes.

Read second time, and ordered to third reading.

Assembly Bill No. 552—An Act placing all companies selling cer-

tificates, bonds, or debentures with coupons attached thereto, on the partial payment or installment plan, doing business in this State, under the supervision and control of the State Board of Bank Commissioners.

Passed on file.

Assembly Bill No. 13—An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor.

Passed on file.

Assembly Bill No. 789—An Act regarding organizations, officers, and members of the National Guard who entered the United States Volunteer service in the Spanish-American War of 1898, their privileges and exemptions, and the legalizing of orders and acts regarding the reorganization of the National Guard of the State of California.

Read second time, and ordered to third reading.

LEAVE OF ABSENCE.

Senator Rowell was granted leave of absence until Monday, March 13, 1899, on his own motion.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 58—An Act to amend Sections 3546, 3547, and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

Read second time, and ordered to third reading.

Assembly Bill No. 150—An Act to amend Section 1 of an Act of the Legislature of the State of California entitled "An Act relating to estrays, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 27, 1897.

Read second time, and ordered to third reading.

Assembly Bill No. 359—An Act to amend Section 473 of the Code of Civil Procedure of the State of California, relating to relief from judgments, orders, or proceedings.

Read second time, and ordered to third reading.

Assembly Bill No. 384—An Act relating to "grub-stake contracts."

Read second time, and ordered to third reading.

Assembly Bill No. 593—An Act to amend Section 1395 of the Code of Civil Procedure.

Read second time, and ordered to third reading.

Assembly Bill No. 870—An Act to amend Section 676 of the Political Code, relating to the counting of money in the State Treasury, and making the breaking, or any interference with, any seal affixed on any safe or inner vault in the vault of the State Treasury a felony.

During the second reading of bill, the following amendment was offered by Senator Jones:

Amend by inserting after the word "person," in line 31, page 2, the words "except the Treasurer or his chief deputy."

Amendment adopted.

Bill read second time.

The question being, "Shall the bill be ordered to third reading?"

The same was put and lost.

The Secretary was directed to inform the Assembly, by message, of the action of the Senate this day on above bill.

Assembly Bill No. 870 ordered stricken from the file.

Assembly Bill No. 188—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 2039, concerning the manner in and the time within which certain objections to depositions shall be made.

Read second time, and ordered to third reading.

Assembly Bill No. 478—An Act regulating the cancellation of fire insurance policies, and providing penalties for refusing to cancel the same.

Read second time, and ordered to third reading.

Assembly Bill No. 596—An Act to amend Section 3640 of the Political Code of the State of California, relating to Assessors' field enrollment book.

Read second time, and ordered to third reading.

Assembly Bill No. 482—An Act to amend Section 2955 of the Civil Code of the State of California.

Read second time, and ordered to third reading.

Assembly Bill No. 745—An Act to abolish the office of Quarantine Officer to the Board of Health for the City and County of San Francisco.

Read second time, and ordered to third reading.

Assembly Bill No. 480—An Act to amend Section 397 of the Penal Code, relating to the selling of liquor to habitual or common drunkards, minor children, idiots, insane or incompetent persons, and Indians, and relating to minors being allowed to remain in and about saloons and drinking places.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "or public house," in lines 10 and 11, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out all in line 23 after the word "crabs," in Section 628, and all of lines 24, 25, and 26, and all in line 27 up to and before the word "every," page 2, printed bill, and inserting in lieu thereof the following: "takes, gives away, barbers, or sells abalones, or abalone shells, measuring less than sixteen inches in circumference, around the edge of the shell."

Amendment adopted.

Also: Amend by inserting in line 29, Section 628, after the word "sturgeon," the following: "Every person who, between the first day of April and the first day of August of each year, takes, catches, buys, sells, or has in his possession any fresh shrimps."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 994—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children.

Read second time, and ordered to third reading.

Assembly Bill No. 309—An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern metallic bookcases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor.

Read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 742—An Act to amend Section 290 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to articles of incorporation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Assembly Bill No. 742 ordered on special file of Assembly bills for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 733—An Act making an appropriation for pay of officers and clerks of the Senate for the thirty-third session—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DICKINSON, Chairman.

Senate Bill No. 733 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charities—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GILLETTE, Chairman.

Senate Constitutional Amendment No. 23 ordered on file.

ON FORESTRY, FISH, AND GAME.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Forestry, Fish, and Game, to whom was referred Assembly Bill No. 377—An Act to amend Section 632 of the Penal Code, relating to fish—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Assembly Bill No. 377 ordered on special file of Assembly bills for second reading.

ON MINES, DRAINAGE, AND DÉBRIS.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Débris, to whom was referred Assembly Bill No. 385—An Act regulating the mode of operating mines where blasting is being done—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

DAVIS, Chairman.

Assembly Bill No. 385 ordered on special file of Assembly bills for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly engrossed Substitute for Senate Bill No. 654—An Act to appropriate the sum of \$150 to pay the claim of the Downey Champion, for money due and owing the said Downey Champion from the State of California.

JONES, Chairman.

Substitute for Senate Bill No. 654 ordered on file for third reading.

MOTION.

Senator Nutt moved to take up Senate Bill No. 47, for purpose of amendment.

Motion carried.

Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego, by the Board of State Harbor Commissioners for San Diego Bay.

Bill read third time on a previous day.

Senator Nutt moved that Senator Luchsinger be appointed a special committee of one to amend the bill as follows:

Amend by inserting in Section 2, line 6, after the word "board," the following words: "and by the State Board of Examiners."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego, by the Board of State Harbor Commissioners for San Diego Bay—with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

LEAVE OF ABSENCE.

Senator Doty was granted leave of absence until Monday, March 13, 1899, on his own motion.

RECESS.

At four o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called.

CALL OF THE SENATE.

Pending the announcement of the result, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, eight o'clock and five minutes.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Braunhart, Curtin, Davis, Dickinson, Flint, Hall, Laird, La Rue, Morehouse, Nutt, Smith, Trout, and Wolfe—13.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and twenty-five minutes P. M., further proceedings under call of Senate were dispensed with, on motion of Senator Smith.

The President pro tem. thereupon announced the following answering to their names:

Senators Braunhart, Curtin, Davis, Dickinson, Flint, Hall, Jones, Laird, La Rue, Morehouse, Nutt, Simpson, Smith, Trout, and Wolfe—15.

ADJOURNMENT.

It appearing that no quorum was present, the President pro tem., at eight o'clock and twenty-eight minutes P. M., declared the Senate adjourned until nine o'clock and thirty minutes A. M. of Monday, March 13, 1899.

IN SENATE.

SENATE CHAMBER,
Monday, March 13, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Saturday, March 11, 1899, was read.

The Journal of Thursday, March 9, 1899, was approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California the repeal of Section 22 of Article XII of the Constitution, in relation to Railroad Commissioners.

Also: Senate Constitutional Amendment No. 10—Relative to State indebtedness, authorizing the issuance of bonds for the purpose of the construction of a system of State highways.

Also: Senate Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section to be known and designated as Section 10, Article IX thereof, confirming the founding of the Leland Stanford Junior University, delegating certain powers to the trustees thereof, and exempting certain of its property from taxation.

Also: Senate Constitutional Amendment No. 16—Relative to the judiciary.

Also: Senate Constitutional Amendment No. 19—A resolution proposing an amendment to the Constitution of the State of California, by adding a new section to Article XIII of said Constitution, to be numbered 12½, relating to revenue and taxation.

Also: Senate Constitutional Amendment No. 20—Proposed amendment to Article IV of the Constitution, adding thereto a new section, to be numbered 36, allowing the Legislature to enact local laws, or make exceptions to the operation of general laws, by a four-fifths vote.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

Also: Senate Constitutional Amendment No. 1—Relating to the judiciary, and establishing Courts of Appeal.

Also: Senate Constitutional Amendment No. 2—To propose an amendment to Article IV of the Constitution of the State of California, relating to the Judicial Department.

Also: Senate Constitutional Amendment No. 12—Relating to the Judicial Department of the government of the State of California.

Also: Senate Constitutional Amendment No. 13—Relating to clerk and deputy clerk of the Supreme Court, and clerk and deputy clerks of the District Courts of Appeal.

Also: Senate Constitutional Amendment No. 18—Relative to a proposed amendment to Article VI of the Constitution of the State of California, relating to the Judiciary Department.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted, a substitute having been offered therefor, which substitute has already been reported back, with recommendation that it be adopted.

Also: Senate Bill No. 35—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, as amended March 9, 1895, and March 9, 1897, and to repeal Section 2 of an Act approved March 9, 1897, amendatory of said Act.

Also: Senate Bill No. 44—An Act entitled "An Act to amend an Act to prevent sheep and goats being herded or running at large in certain portions of Lake County."

Also: Senate Bill No. 51—An Act to add a new section to the Penal Code to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package bearing the duly filed trademark or name of another, printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon.

Also: Senate Bill No. 60—An Act to amend Section 613 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to cemetery corporations.

Also: Senate Bill No. 77—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Also: Senate Bill No. 135—An Act relating to negotiable instruments, being an Act to establish a law uniform with the laws of other States on that subject.

Also: Senate Bill No. 141—An Act amending an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 139, relating to fraudulent proof of labor on mining claims under the laws of this State, or of the United States.

Also: Senate Bill No. 234—An Act to prevent the defrauding of livery stable proprietors and managers, and providing for the punishment thereof.

Also: Senate Bill No. 274—An Act to establish the office of State Fire Marshal of the State of California.

Also: Senate Bill No. 299—An Act entitled "An Act to amend Sections 3571 and 3572 of the Political Code."

Also: Senate Bill No. 388—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Also: Senate Bill No. 368—An Act to ascertain and express the will of the people of the State of California upon the question, upon the subject of an amendment to the Constitution of the United States, providing for the election of Senators in Congress by direct vote of the people.

Also: Senate Bill No. 384—An Act to amend an Act entitled "An Act to establish a Political Code," by adding a new section thereto, to be known and numbered as Section 3524, relating to land patents.

Also: Senate Bill No. 443—An Act to add three new sections, to be known as Sections 635, 636, and 637, to an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the execution of bonds to secure the payment of taxes by the insurance companies not incorporated under the laws of said State, and doing business in said State, which payment would be in lieu of all other taxes or licenses imposed upon them or their agents by this State, or by any county, or city and county, or municipality therein situated, except such taxes as may be levied against its real and personal property.

Also: Senate Bill No. 525—An Act to amend Sections 649, 658, 659, 660, 661, 950, 952, 953, and 957 of the Code of Civil Procedure, concerning the settlement of bills of exceptions, new trials, and appeals.

Also: Senate Bill No. 590—An Act to amend Section 1111 of the Penal Code of California, relating to the testimony of accomplices.

Also: Senate Bill No. 601—An Act to repeal an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872; and to repeal an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 9, 1887; and to repeal an Act entitled "An Act to amend Sections 1, 6, 7, 8, 10, and 11 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 19, 1889.

Also: Senate Bill No. 632—An Act to amend the Political Code by adding a new section prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which under the laws of the United States cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States.

Also: Senate Bill No. 649—An Act to amend Sections 650, 651, 653, 658, 659, 660, 661, 662, 939, 940, 950, 951, 953, 963, of the Code of Civil Procedure, relating to appeals and the practice thereto; and to repeal Section 952 thereof, relating to the same subject.

Also: Senate Bill No. 660—An Act to provide for the giving of bonds by the keepers of intelligence offices, defining the same, and their liabilities.

Also: Senate Bill No. 680—An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding and protection of property and the creation of trusts for the founding, endowment, erection, and maintenance within the State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art, approved March 9, 1885, granting additional powers to the founders and trustees of such institutions, and to add a new section thereto.

Also: Senate Bill No. 683—An Act to amend Section 634 of the Penal Code.

Also: Senate Bill No. 697—An Act repealing an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, for the appointment of the members of said commission, to be known as 'Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer thereof; to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Also: Senate Bill No. 701—An Act to amend Section 165 of the Penal Code of this State.

Also: Senate Bill No. 702—An Act to create a Board of Building and Loan Commissioners, to prescribe its duties and powers, and to repeal all conflicting Acts.

Also: Senate Bill No. 715—An Act to amend Section 475 of the Political Code of the State of California, relating to the duties of the Attorney-General to institute investigation for the discovery of real and personal property which may have or should escheat to the State; also an Act to add an additional section to the Political Code of the State of California, to be designated as Section 474½.

Also: Senate Bill No. 716—An Act to repeal Section 672 of the Civil Code of the State of California, relating to non-resident aliens.

Also: Senate Bill No. 717—An Act to amend Section 1404 and to repeal Sections 1405 and 1406 of the Civil Code of the State of California.

Also: Assembly Bill No. 585—An Act to amend Section 529 of the Code of Civil Procedure, relating to injunctions, approved March 15, 1880.

Also: Assembly Bill No. 613—An Act requiring hotel and lodging-house keepers to keep ropes in sleeping rooms to facilitate escape in case of fire.

Also: Assembly Bill No. 908—An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

GILLETTE, Chairman.

Senate Constitutional Amendments Nos. 8, 10, 11, 16, 19, and 20 ordered on file.

Senate Bills Nos. 35, 44, 51, 60, 77, 135, 141, 234, 274, 299, 388, 368, 384, 443, 525, 590, 601, 632, 649, 660, 680, 683, 697, 701, 702, 715, 716, and 717 ordered on file for second reading.

CONSTITUTIONAL AMENDMENTS STRICKEN FROM THE FILE.

There being a substitute now on file for Senate Constitutional Amendments Nos. 1, 2, 12, 13, and 18, the same were withdrawn and ordered stricken from the file.

Assembly Bills Nos. 585, 613, and 908 ordered on special file of Assembly bills for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 950—An Act to provide for certain improvements and repairs at the State Normal School at San José, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 428—An Act to provide for the payment of the bounty due Joseph Schwindel under an Act entitled "An Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds," approved April 4, 1864, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 139—An Act to authorize the transfer of \$40,000 from the General Fund to the State School-Book Fund, and providing for its expenditure—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

Also: Assembly Bill No. 368—An Act to appropriate money for the purchase of lumber and fencing material for the use of the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, a similar bill (Senate Bill No. 285) having already been acted upon.

Also: Senate Bill No. 280—An Act appropriating money for the maintenance of the Preston School of Industry for the fifty-first and fifty-second fiscal years, including salaries—have had the same under consideration, and respectfully report the same back, and recommend that the author be given leave to withdraw the same.

DICKINSON, Chairman.

Assembly Bills Nos. 950, 428, 139, and 368 ordered on special file of Assembly bills for second reading.

WITHDRAWAL OF BILL.

Senator Davis asked unanimous consent to withdraw Senate Bill No. 280—An Act appropriating money for the maintenance of the Preston School of Industry for the fifty-first and fifty-second fiscal years, including salaries.

Consent granted.

Senate Bill No. 280 withdrawn and ordered stricken from the file.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Braunhart asked unanimous consent to withdraw Senate Bill No. 178—An Act to add a new section to the Political Code of California, to be known as Section 635 thereof, relating to the form of fire insurance policies—and substitute therefor on file Senate Bill No. 34—An Act to establish a State Normal School in the City and County of San Francisco, State of California, and making an appropriation of \$150,000.

Consent granted.

Senate Bill No. 178 withdrawn and ordered stricken from the file, and Senate Bill No. 34 substituted therefor.

Senator Simpson asked unanimous consent to withdraw Senate Bill No. 216—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Consent granted.

Senate Bill No. 216 withdrawn and ordered stricken from the file.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling the equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

Also: Passed Senate Bill No. 27—An Act amending the Civil Code of the State of California by adding thereto a new section, to be numbered 494, authorizing the sale by any railroad company owning any railroad in this State of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 27 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 72?"

Add at the end of Section 1, line 18, page 2, printed bill, the following: "*provided, that where the Board of Supervisors of any county, or of any city and county, or the City Council, or other governing body of any city, shall by ordinance, order, or by resolution, prescribe the fender or brake to be used as aforesaid, then a compliance with such ordinance, order, or resolution shall be deemed a full compliance with the provisions of this section.*"

The roll was called, and Assembly amendment concurred in by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Gillette, Hoey, Jones, Luchsinger, Maggard, Rowell, Shortridge, Simpson, Stratton, Taylor, and Trout—22.

NOES—Senators La Rue, Morehouse, and Sims—3.

The Secretary was directed to inform the Assembly, by message, that the Senate had concurred in the Assembly amendment to Senate Bill No. 72.

Senate Bill No. 72 ordered to reëngrossment and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 881—An Act to appropriate the sum of \$175 to pay the claim of the Trinity Journal, for money due and owing the said Trinity Journal from the State of California.

Also: Assembly Bill No. 872—An Act to appropriate the sum of \$100 to pay the claim of Phil B. Dankey, for money due and owing the said Phil B. Dankey from the State of California.

Also: Assembly Bill No. 407—An Act to appropriate the sum of \$200 to pay the claim of the Capital, for money due and owing the said Capital from the State of California.

Also: Assembly Bill No. 876—An Act to appropriate the sum of \$300 to pay the claim of E. C. Rust, for money due and owing the said E. C. Rust from the State of California.

Also: Assembly Bill No. 864—An Act to appropriate the sum of \$1,000 to pay the claim of the California Demokrat, for money due and owing the said California Demokrat from the State of California.

Also: Assembly Bill No. 891—An Act to appropriate the sum of \$120 to pay the claim of the Chico Daily Record, for money due and owing the said Chico Daily Record from the State of California.

Also: Assembly Bill No. 904—An Act to appropriate the sum of \$150 to pay the claim of the Inyo Independent, for money due and owing the said Inyo Independent from the State of California.

Also: Assembly Bill No. 795—An Act to appropriate the sum of \$125 to pay the claim of F. B. Colver, for money due and owing the said F. B. Colver from the State of California.

Also: Assembly Bill No. 915—An Act to appropriate the sum of \$135 to pay the claim of Clark & Sharp, for money due and owing the said Clark & Sharp from the State of California.

Also: Assembly Bill No. 809—An Act to appropriate the sum of \$250 to pay the claim of the Town Talk Publishing Co., for money due and owing the said Town Talk Publishing Co. from the State of California.

Also: Assembly Bill No. 785—An Act to appropriate the sum of \$100 to pay the claim of the Willows Promoter, for money due and owing the said Willows Promoter from the State of California.

Also: Assembly Bill No. 840—An Act to appropriate the sum of \$250 to pay the claim of A. A. Taylor, for money due and owing the said A. A. Taylor from the State of California.

Also: Assembly Bill No. 822—An Act to appropriate the sum of \$180 to pay the claim of John McGonigle, for money due and owing the said John McGonigle from the State of California.

Also: Assembly Bill No. 903—An Act to appropriate the sum of \$75 to pay the claim of Butchers and Stockgrowers' Journal, for money due and owing the said Butchers and Stockgrowers' Journal from the State of California.

Also: Assembly Bill No. 784—An Act to appropriate the sum of \$100 to pay the claim of E. M. Sehorn, for money due and owing the said E. M. Sehorn from the State of California.

Also: Assembly Bill No. 865—An Act to appropriate the sum of \$1,100 to pay the claim of W. A. Spaulding, for money due and owing the said W. A. Spaulding from the State of California.

Also: Assembly Bill No. 863—An Act to appropriate the sum of \$125 to pay the claim of Blue Lake Advocate, for money due and owing the said Blue Lake Advocate from the State of California.

Also: Assembly Bill No. 790—An Act to appropriate the sum of \$400 to pay the claim of Allen B. Lemmon, for money due and owing the said Allen B. Lemmon from the State of California.

Also: Assembly Bill No. 811—An Act to appropriate the sum of \$1,600 to pay the claim of Evening Post Publishing Company, for money due and owing the said Evening Post Publishing Company from the State of California.

Also: Assembly Bill No. 885—An Act to appropriate the sum of \$300 to pay the claim of San Francisco News Letter, for money due and owing the said San Francisco News Letter from the State of California.

Also: Assembly Bill No. 766—An Act to appropriate the sum of \$150 to pay the claim of J. L. Childs, for money due and owing the said J. L. Childs from the State of California.

Also: Assembly Bill No. 747—An Act to appropriate the sum of \$150 to pay the claim of Mountain Messenger, for money due and owing the said Mountain Messenger from the State of California.

Also: Assembly Bill No. 958—An Act to appropriate the sum of \$225 to pay the claim of Napa Journal, for money due and owing the said Napa Journal from the State of California.

Also: Assembly Bill No. 836—An Act to appropriate the sum of \$600 to pay the claim of Herald Publishing Company, for money due and owing the said Herald Publishing Company from the State of California.

Also: Assembly Bill No. 803—An Act to appropriate the sum of \$150 to pay the claim of Thomas M. Menihan, for money due and owing the said Thomas M. Menihan from the State of California.

Also: Assembly Bill No. 875—An Act to appropriate the sum of \$300 to pay the claim of J. B. Sanford, for money due and owing the said J. B. Sanford from the State of California.

Also: Assembly Bill No. 734—An Act to appropriate the sum of \$3,400 to pay the claim of San Francisco Call, for money due and owing the said San Francisco Call from the State of California.

Also: Assembly Bill No. 906—An Act to appropriate the sum of \$250 to pay the claim of Alfred Harrell, for money due and owing the said Alfred Harrell from the State of California.

Also: Assembly Bill No. 777—An Act to appropriate the sum of \$1,104 to pay the claim of James McClatchy & Co., for money due and owing the said James McClatchy & Co. from the State of California.

Also: Assembly Bill No. 890—An Act to appropriate the sum of \$150 to pay the claim of Big Valley Gazette, for money due and owing the said Big Valley Gazette from the State of California.

Also: Assembly Bill No. 856—An Act to appropriate the sum of \$350 to pay the claim of Appeal Publishing Company, for money due and owing the said Appeal Publishing Company from the State of California.

Also: Assembly Bill No. 799—An Act to appropriate the sum of \$50 to pay the claim of McNab & Cassidy, for money due and owing the said McNab & Cassidy from the State of California.

Also: Assembly Bill No. 801—An Act to appropriate the sum of \$175 to pay the claim of Petaluma Printing Company, for money due and owing the said Petaluma Printing Company from the State of California.

Also: Assembly Bill No. 843—An Act to appropriate the sum of \$150 to pay the claim of W. D. Pennycook, for money due and owing the said W. D. Pennycook from the State of California.

Also: Assembly Bill No. 900—An Act to appropriate the sum of \$175 to pay the claim of Shasta County Democrat, for money due and owing the said Shasta County Democrat from the State of California.

Also: Assembly Bill No. 918—An Act to appropriate the sum of \$150 to pay the claim of Gonzales Tribune, for money due and owing the said Gonzales Tribune from the State of California.

Also: Assembly Bill No. 968—An Act to appropriate the sum of \$150 to pay the claim of Williams Farmer, for money due and owing the said Williams Farmer from the State of California.

Also: Assembly Bill No. 848—An Act to appropriate the sum of \$100 to pay the claim of Events, for money due and owing the said Events from the State of California.

Also: Assembly Bill No. 934—An Act to appropriate the sum of \$150 to pay the claim of M. F. McFarland, for money due and owing the said M. F. McFarland from the State of California.

Also: Assembly Bill No. 974—An Act to appropriate the sum of \$114 to pay the claim of the Fullerton Tribune, for money due and owing the said Fullerton Tribune from the State of California.

Also: Assembly Bill No. 929—An Act to appropriate the sum of \$150 to pay the claim of the Merced Star, for money due and owing the said Merced Star from the State of California.

Also: Assembly Bill No. 969—An Act to appropriate the sum of \$100 to pay the claim of M. C. Duffley, for money due and owing the said M. C. Duffley from the State of California.

Also: Denied second reading to Senate Bill No. 327—An Act providing for liens upon horses and other animals for the cost of shoeing the same.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 881 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 872 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 407 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 876 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 864 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 891 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 904 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 795 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 915 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 809 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 785 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 840 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 822 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 929 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 969 read first time, and ordered on special file of Assembly bills, without reference to committee.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 764—An Act making an appropriation for reimbursing the County of Marin for moneys expended by it for the prosecution of crimes committed within the State Prison at San Quentin, and for inquests held over the bodies of convicts who have died within said prison.

Also: Passed Assembly Bill No. 697—An Act making an appropriation to pay the deficiency for stationery, fuel, light, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Also: Passed Assembly Bill No. 712—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recodation of notices of location.

Also: Passed, as a case of urgency, Assembly Bill No. 1004—An Act appropriating \$5,000 for enabling the people of the State of California to suitably entertain Admiral George Dewey, and any of his subordinates who may accompany him, when he visits this State, and to authorize the Governor to invite Admiral Dewey to visit the State, and to expend such money in such manner as the Governor may deem proper.

Also: Adopted the report of the committee of free conference on Assembly Bill No. 4—An Act to create an Exempt Fireman's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and service as firemen of such exempt firemen—and passed said bill as amended thereby.

Also: Adopted Senate Concurrent Resolution No. 12—Relative to the absence of Senator Pace from this State for a period not to exceed six months.

Also: Adopted Assembly Joint Resolution No. 25—Relative to the payment of volunteers in the Spanish-American War of 1898.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 764 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 697 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 712 read first time, and referred to Committee on Mines, Drainage, and Débris.

Assembly Bill No. 1004 read first time, and referred to Committee on Finance and Claims.

Senate Concurrent Resolution No. 12 ordered to enrollment.

Assembly Joint Resolution No. 25 referred to Committee on Federal Relations.

SPECIAL ORDER POSTPONED.

On motion of Senator Boyce, the consideration of Senate Bill No. 4—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commissioner, secretary, and stenographer, and to appropriate money therefor"—heretofore set as a special order for this hour, was postponed until Wednesday, March 15, 1899, immediately after reading of the Journal.

MOTIONS.

Senator Doty moved that Senate Bill No. 52 be taken up and considered.

So ordered.

Senate Bill No. 52—An Act to establish, ratify, and confirm the north boundary line of Mendocino County, between the counties of Mendocino and Trinity, as the same was surveyed and established by S. H. Rice, between September 1, 1891, and December 18, 1891, to be the true boundary line between the counties of Mendocino and Trinity, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 52 refused passage by the following vote:

AYES—Senators Boyce, Bulla, Burnett, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Hoey, Jones, La Rue, Luchsinger, Morehouse, Rowell, Shortridge, Sims, and Trout—18.

NOES—Senators Braunhart, Gillette, Hall, Leavitt, Maggard, Stratton, and Wolfe—7.

Senator Curtin moved that Senate Bill No. 447—An Act to repeal an Act entitled “An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes,” approved March 31, 1897—be placed on file.

Motion carried.

SPECIAL ORDER SET.

Senator Morehouse moved that Senate Bill No. 308—An Act to establish a uniform system of county and township governments—be made a special order for eight o'clock P. M. of this day.

The question being on the motion to set special order.

The ayes and noes were demanded by Senators Davis, Dwyer, and Shortridge.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Curtin, Dickinson, Dwyer, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—24.

NOES—Senators Davis, Doty, Hall, Nutt, and Prisk—5.

LEAVE OF ABSENCE.

Senator Cutter was granted leave of absence until Tuesday, March 14, 1899, on motion of Senator Maggard.

MOTION.

Senator Boyce moved that the Secretary make up a special file for appropriation bills from other files, the bills to retain their relative positions.

Motion lost.

WITHDRAWAL OF BILLS.

By unanimous vote, the following Senate bills, being identical with certain Assembly bills, were ordered stricken from the Senate file:

Senate Bill No. 420—An Act requiring the payment into the State Treasury of all moneys belonging to the State, etc.

Senate Bill No. 395—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Senate Bill No. 397—An Act to amend Section 1759 of the school law of California.

Senate Bill No. 432—An Act to regulate the use of meters used for the purpose of measuring water by persons or corporations disbursing the same for sale.

Senate Bill No. 398—An Act to amend Section 5 of an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance."

Senate Bill No. 512—An Act to provide for the government of the State Normal Schools in this State.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS.

On motion of Senator Dickinson, the special file of appropriation and claims bills was taken up.

Senate Bill No. 119—An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum.

During the second reading of bill, the following amendment was offered by Senator Stratton:

Amend by inserting in the enacting clause, before the word "California" and after the word "of," the words "the State of."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 136—An Act to appropriate money to pay the directors of the California Institute for the Deaf, Dumb, and Blind, for the concrete guttering, culverting, and macadamizing of Waring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, at Berkeley, California, which work was performed and materials furnished under a contract with Guy Hyde Chick, Superintendent of Streets of the town of Berkeley, California, his authority having been acquired under the general street law of this State.

By unanimous consent, the above bill was ordered stricken from the file, being identical with an Assembly bill now on file.

Senate Bill No. 150—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Passed temporarily on file.

Senate Bill No. 18—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

By unanimous consent, the above bill was ordered stricken from the file, being identical with an Assembly bill now on file.

Senate Bill No. 157—An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses

incident and relating thereto, and provide for managing the same, for the transfer of prisoners thereto, and government of the inmates thereof.

By unanimous consent, the above bill was ordered stricken from the file, being identical with an Assembly bill on the file.

Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating, and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the words "or so much thereof as may be necessary," in line 4, Section 2, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out Section 4, page 2, printed bill.

Amendment adopted.

Also: Amend by striking out the figure "5," in line 1, Section 5, and inserting in lieu thereof the figure "4."

Amendment adopted.

Also: Amend by striking out the words "thirty thousand," in line 3, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "eight thousand five hundred."

Amendment adopted.

Also: Amend by striking out Section 2.

Amendment adopted.

Also: Amend by striking out Section 5.

Amendment adopted.

Also: Amend by striking out the figure "3," in line 1, Section 3, page 1, printed bill and inserting in lieu thereof the figure "2."

Amendment adopted.

Also: Amend by striking out the figure "4," in line 1, Section 4, page 2, printed bill, and inserting in lieu thereof the figure "3."

Amendment adopted.

Also: Amend by striking out the figure "6," in line 1, Section 6, page 2, printed bill, and inserting in lieu thereof the figure "4."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 208—An Act to provide additional accommodations for inmates at the California Home for the Care and Training of Feeble-Minded Children, by the erection of cottages for epileptic, paralytic, and feeble-minded persons, to appropriate money therefor, and to authorize the expenditure of the same.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "fifty" in line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the word "thirty-five."

Amendment adopted.

Also: Amend by striking out Sections 2, 3, 4, and 5.

Amendment adopted.

Also: Amend by renumbering Sections "6" and "7" as Sections "2" and "3."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

ORDERED ON SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS.

On motion of Senator Davis, Senate Bill No. 529—An Act making an appropriation to pay the claim of John J. Snyder, for costs of suit in foreclosing delinquent purchasers of State school lands—was ordered on special file of appropriation and claims bills.

THIRD-READING FILE.

Senate Bill No. 284—An Act to appropriate money for the purchase of tools and books for the use of the Preston School of Industry.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 284 passed by the following vote:

AYES—Senators Bettman, Brauhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Sims, Stratton, Taylor, and Trout—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 258—An Act authorizing the Board of Trustees of the State Normal School at Chico to construct and furnish an addition to the State Normal School building at said place, and appropriating money therefor.

Consent granted.

Senate Bill No. 258 withdrawn and ordered stricken from the file.

THIRD-READING FILE—(RESUMED).

Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges.

Read third time.

RECESS.

During the discussion of the bill, at eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,)
Monday, March 13, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luch-singer, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—35.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cospier, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Milice, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—76.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Saturday, March 11, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Saturday, March 11, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.
For D. M. Burns—Senators Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—7.
For U. S. Grant, Jr.—Senators Boyce, Currier, Jones, Maggard, Nutt, Smith, and Trout—7.
For Irving M. Scott—Senators Davis, Flint, and Rowell—3.
For T. J. Geary—Senators Ashe, Curtin, Dwyer, La Rue, Pace, Prisk, and Sims—7.
For F. H. Gould—Senators Braunhart, Chapman, and Doty—3.
For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	35
W. H. L. Barnes received.....	7 votes.
D. M. Burns received.....	7 votes.
U. S. Grant, Jr., received.....	7 votes.
Irving M. Scott received.....	3 votes.
T. J. Geary received.....	7 votes.
F. H. Gould received.....	3 votes.
James D. Phelan received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Robinson, and Valentine—14.
For M. M. Estee—Mr. Wade—1.
For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—18.
For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—20.
For Irving M. Scott—Messrs. Cosper, Dunlap, and La Barea—3.
For James G. Maguire—Mr. Feliz—1.
For J. F. Smith—Mr. O'Brien—1.
For Marion De Vries—Mr. Brooke—1.
For T. J. Geary—Messrs. Cowan, Fairweather, Griffin, Hanley, Mack, Mead, Sanford, E. D. Sullivan, and Wardell—9.
For F. H. Gould—Messrs. Boone, Caminetti, and Glenn—3.
For James D. Phelan—Mr. Hoey—1.
For John Rosenfeld—Mr. Crowley—1.
For Stephen M. White—Messrs. Stewart and White—2.

Whole number of votes cast by Assemblymen.....	75
W. H. L. Barnes received.....	14 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	18 votes.
U. S. Grant, Jr., received.....	20 votes.
Irving M. Scott received.....	3 votes.
James G. Maguire received.....	1 vote.
J. F. Smith received.....	1 vote.
Marion De Vries received.....	1 vote.
T. J. Geary received.....	9 votes.
F. H. Gould received.....	3 votes.
James D. Phelan received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	2 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	110
Necessary to a choice.....	56
W. H. L. Barnes received.....	21 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	25 votes.

U. S. Grant, Jr., received.....	27 votes.
Irving M. Scott received.....	6 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	2 votes.
James D. Phelan received.....	2 votes.
T. J. Geary received.....	16 votes.
F. H. Gould received.....	6 votes.
James G. Maguire received.....	1 vote.
J. F. Smith received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-six minutes P. M., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Tuesday, March 14, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-eight minutes P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Davis, Dickinson, Feeney, Flint, Gillette, Jones, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Smith, Stratton, Taylor, and Trout—22.

Quorum present.

RECESS.

At twelve o'clock and thirty-eight minutes P. M., the hour of recess having arrived, the President of the Senate declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—28.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 440—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations, when found necessary, without offering the same

for sale, excepting from the operation of this Act any territory and property under the jurisdiction or control of any incorporated city or town or any Board of State Harbor Commissioners.

Read third time.

Senator Bulla moved that Senator Stratton be appointed a special committee of one to amend the bill as follows:

Amend by striking out of the enacting clause the word "the" before the word "Senate" and also before the word "Assembly."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 440—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations, when found necessary, without offering the same for sale, excepting from the operation of this Act any territory and property under the jurisdiction or control of any incorporated city or town or any Board of State Harbor Commissioners—with instructions to amend, respectfully reports the same back, amended as per instructions.

STRATTON, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 847—An Act to amend Section 2712 of the Political Code, relative to bridges, subways, and culverts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 847 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Davis, Doty, Dwyer, Flint, Hall, Hoey, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Smith, Stratton, Taylor, and Trout—25.

NOES—Senators Laird and Shortridge—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 62 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Hoey, Jones, Langford, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Smith, Stratton, and Wolfe—24.

NOES—Senators Hall, La Rue, Rowell, and Trout—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Nutt gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 62 was this day finally passed.

Assembly Bill No. 138—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885, and to add two new sections thereto, all relating to the State Board of Dental Examiners, and regulating the practice of dentistry in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 138 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, and Wolfe—22.

NOES—Senators Langford, Smith, Taylor, and Trout—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 127—An Act to provide for the purchase of additional land for the Folsom State Prison, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 127 refused final passage by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Hall, Hoey, Langford, Morehouse, Shortridge, Stratton, Trout, and Wolfe—15.

NOES—Senators Bettman, Bulla, Davis, Dickinson, Flint, Jones, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Simpson, Smith, and Taylor—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 127 was this day refused final passage.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Stratton moved a reconsideration of the vote whereby Assembly Bill No. 37—An Act relating to certain contracts, conditional sale, lease, or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Jones, Langford, Maggard, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—24.

NOES—Senators Hall, Hoey, and Wolfe—3.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 37 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Davis, Dickinson, Dwyer, Flint, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Simpson, Smith, Stratton, and Taylor—22.

NOES—Senators Burnett, Doty, Hall, Hoey, Prisk, Trout, and Wolfe—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509—An Act providing for the maintenance of a residence for the Governor of the State of California, and empowering the State Capitol Commissioners to provide for the heating, lighting, repairs, and renewal of the furnishings of said residence, and providing for the number and the salaries of the necessary employes and servants selected and employed by the Governor therein, and for the appropriation of necessary money for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 509 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Hoey, Jones, Langford, Leavitt, Luchsinger, Morehouse, Prisk, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read.

Senator Leavitt moved to amend the title as follows:

Amend by striking out all after the word "California" in line 2, up to and including the word "residence" in lines 4 and 5.

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print and to the Assembly.

MOTION.

Senator Gillette moved to take up messages from the Assembly.

So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 731—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 641¹/₂, relating to elections, by providing for the punishment of offenses at primary elections.

Also: Assembly Bill No. 99—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Also: Assembly Bill No. 941—An Act to amend Section 165 of the Penal Code of this State.

Also: Assembly Bill No. 581—An Act to provide for the payment of costs of suit in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Also: Assembly Bill No. 924—An Act appropriating \$300 to pay the reward to C. W. King, for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Also: Senate Bill No. 228—An Act appropriating \$45,000 to complete one wing and equip the building now being constructed for the use of the State Normal School of San Diego, California.

Also: Assembly Bill No. 501—An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol.

Also: Assembly Bill No. 610—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Also: Assembly Bill No. 758—An Act to amend Sections 649 and 650 of the Civil Code.

Also: Refused to adopt Senate Concurrent Resolution No. 11—Relative to amending Joint Rule No. XXIII.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant

Senate Bills Nos. 731 and 228 ordered to enrollment.

Assembly Bill No. 99 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 941 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 581 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 924 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 501 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 610 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 758 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 19—Relative to adjournment.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senator Gillette moved that the rules be suspended, and Assembly Concurrent Resolution No. 19 be now considered.

Senator Nutt moved to amend by making the consideration a special order for Tuesday, March 14, 1899, immediately after reading of the Journal.

Senator Bettman offered a substitute to the motions of Senators Gillette and Nutt by making it a special order for Friday, March 17, 1899, immediately after reading of the Journal.

Substitute motion lost.

The question being on Senator Nutt's amendment to the original motion.

The same was put.

The roll was called, and the rules suspended and the consideration of Assembly Concurrent Resolution No. 19 set as a special order for Tuesday, March 14, 1899, immediately after reading of the Journal, by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, and Trout—28.

NOES—Senators Bettman, Burnett, Dickinson, Leavitt, and Wolfe—5.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Leavitt, his motion to reconsider the vote whereby Assembly Bill No. 393—An Act to secure to native sons and naturalized citizens of the United States the exclusive right to labor on public works in this State—was on a previous day refused passage, was postponed until next legislative day.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Rowell moved a reconsideration of the vote whereby Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials

used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of this Act—was finally passed. The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Bulla moved a call of the Senate.

Motion carried.

Time, three o'clock and forty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bettman, Brauhart, Bulla, Burnett, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—30.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and forty-five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Bulla.

The roll of absentees was called, and the President announced the motion to reconsider carried by the following vote:

AYES—Senators Bettman, Bulla, Currier, Curtin, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, and Trout—23.

NOES—Senators Ashe, Brauhart, Burnett, Dwyer, Hall, Simpson, and Wolfe—7.

On motion of Senator La Rue, further consideration of Assembly Bill No. 249 was postponed until next legislative day.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Shortridge moved a reconsideration of the vote whereby Senate Bill No. 367—An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and definition of terms in relation thereto—was passed.

The roll was called.

CALL OF THE SENATE REFUSED.

Pending the announcement of the vote, Senator Bettman moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Brauhart, Davis, and Hall.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bettman, Dickinson, Flint, Leavitt, Nutt, Shortridge, Simpson, Trout, and Wolfe—9.

NOES—Senators Ashe, Brauhart, Bulla, Burnett, Currier, Curtin, Davis, Doty, Dwyer, Hall, Hoey, Jones, La Rue, Morehouse, Pace, Prisk, Rowell, Smith, and Stratton—19.

Thereupon the President announced that the motion to reconsider the vote was lost by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Currier, Curtin, Dickinson, Flint, Langford, Leavitt, Luchsinger, Nutt, Shortridge, Simpson, Trout, and Wolfe—15.

NOES—Senators Braunhart, Burnett, Davis, Doty, Dwyer, Hall, Hoey, Jones, La Rue, Morehouse, Pace, Prisk, Rowell, Smith, and Stratton—15.

MOTION.

Senator Dickinson moved that Assembly Bill No. 789 be taken up for consideration.

So ordered.

Assembly Bill No. 789 —An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American War of 1898, their privileges and exemptions, and the legalizing of orders and acts regarding the reorganization of the National Guard of the State of California.

Read third time.

Senator Dickinson moved that Senator Bulla be appointed a special committee of one to amend the bill as follows:

Amend the title by striking out all after "and" in line 4, and inserting in lieu thereof the following: "retirements, and providing for the return to the National Guard of such organization, officers, and members."

Also: Amend by striking out of Section 1, after the word "ninety-eight" in line 5, and inserting in lieu thereof as follows: "and have been discharged therefrom, are hereby granted leave of absence from the time of their mustering into the United States volunteer service until being mustered out of the same, and that within one hundred and fifty days from their being so mustered out they may report for duty to the Brigadier-General of the brigade from which they went, if a regiment, or to the commanding officer of the regiment or battalion from which they went, if a company or division, and they shall at once be recognized as belonging to the National Guard and returned to duty as the company, division, battalion, or regiment, which they were at the time they entered said volunteer service, and any company or division not having the minimum number required by law, shall recruit up to the requisite number within the time specified.

"All officers of such companies, divisions, battalions, and regiments as entered said volunteer service, and shall return to the National Guard, as above provided for, shall continue to serve under the commissions held by them at the time they entered the said volunteer service for the unexpired portion of their respective commissions, the same as if they had not entered such volunteer service, and had remained continuously in the National Guard.

"Those officers of the National Guard who entered said volunteer service, but whose term of office would have expired had they remained in the National Guard, are hereby granted all the privileges, exemptions, and retirements up to the date of their being mustered out of said volunteer service, the same as if they had remained in the National Guard, and, should they return to duty within the time herein provided, and be re-elected to any commissioned office as provided by law, their time shall be continuous for all purposes, as if their said term had not expired.

"Officers and members of the regiments, battalions, companies, and divisions of the National Guard who did enter the said volunteer service with their respective commands, if they report for duty with such commands, provided they resume their places in the National Guard as above provided for, are granted continuous service, as in the National Guard, for all purposes up to such time as they so report; those who do not so report are hereby granted honorable discharge from the National Guard as of the date of the mustering into said volunteer service of their respective organizations."

Also: Amend by striking out of Section 2, all after the word "and," in line 8, and inserting as follows: "fifty days to those already mustered out of said service, and such time as may be provided under this Act for those not yet mustered out of such service, to the time when he shall report for duty in the National Guard, as hereinbefore provided, and the same shall apply to any volunteer whose term of service in the National Guard expires before being mustered out of said volunteer service, or who reenters the National Guard within the time provided for in this Act."

Also: Amend by striking out Sections 3 and 4 of said bill, and adding three new sections to said bill to be numbered 3, 4, and 5, and to read as follows:

"Sec. 3. The Governor is hereby authorized and empowered to prescribe the time for the reentry into the National Guard, of those organizations, officers, and members who entered in said volunteer service, but have not yet been discharged therefrom, after they have been so discharged, and they may reenter the National Guard

upon the terms and conditions, except as to time, provided in this Act, and they are hereby granted leave of absence for the entire period they have been or may be in said volunteer service.

"SEC. 4. No organization, officer, or member hereby granted leave of absence, shall draw or be allowed any pay, allowance, money, or property from the State of California for the time or any portion of the time they are hereby granted leave of absence, but all organizations shall be entitled to all military allowances provided by law as soon as they are recruited up to the minimum required by law and that fact is reported to and approved by the Governor.

"SEC. 5. This Act shall take effect immediately."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 789—An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American war of 1898, their privileges and exemptions, and the legalizing of orders and acts regarding the reorganization of the National Guard of California—with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the sum of \$180 is hereby appropriated from the Contingent Fund of the Senate, payable to the Sergeant-at-Arms of the Senate, for the purpose of branding all of the furniture belonging to the Senate Chamber, and for the use of the different committees, also for purchasing boxes, packing, marking, and shipping all papers and documents belonging to the Senators to their places of residence, at the close of the session. The Controller of State is hereby authorized to draw his warrant for the above amount, and the Treasurer directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Currier, Curtin, Davis, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Sims, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

"SENATE CHAMBER, SACRAMENTO, March 9, 1899.

"MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election case of Leon Dennery vs. R. Porter Ashe, for the seat in the Senate from the Twenty-fourth Senatorial District of the State of California, beg leave to report as follows:

"Said committee filed a report of the bills of the contestant and contestee on the seventeenth day of February, and in error omitted to allow H. H. McPike the sum of \$25 for expenses connected with the said contest case, and your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of H. H. McPike for the sum of \$25, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

"STRATTON, Chairman."

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.
The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Stratton, Taylor, and Wolfe—27.

NOES—Senator Trout—1.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills: Senate Bill No. 127—An Act to abolish commissions or fees paid by the State for assessment, equalization, auditing, and collection of ad valorem taxes—and report that the same has been correctly enrolled, and presented the same to the Governor on this thirteenth day of March, 1899, at twelve o'clock m.

Also: Have examined and found the following bills correctly reengrossed:

Committee Substitute for Senate Bills Nos. 142, 159, 204, and 453—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location.

Also: Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay.

JONES, Chairman.

Committee Substitute for Senate Bills Nos. 142, 159, 204, and 453, and Senate Bill No. 47 ordered on file for passage.

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Assembly Bill No. 506—An Act to amend Sections 3, 5, 6, and 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

ROWELL, Chairman.

Assembly Bill No. 506 ordered on special file of Assembly bills for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 581—An Act to provide for the payment of costs of suit in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DICKINSON, Chairman.

Assembly Bill No. 581 ordered on special file of Assembly bills for second reading.

ON FEDERAL RELATIONS AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your Committee on Federal Relations and Immigration, to whom was referred Assembly Joint Resolution No. 17—Relating to immigration of Japanese laborers.

Also: Assembly Joint Resolution No. 18—Relative to immigration from the Philippine Islands.

Also: Assembly Joint Resolution No. 23—Relative to the election of United States Senators.

Also: Assembly Joint Resolution No. 24—Relative to election of United States Senators.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

LEAVITT, Chairman.

Assembly Joint Resolutions Nos. 17, 18, 23, and 24 ordered on special file of Assembly bills.

RECESS.

At four o'clock and twenty minutes P. M., on motion of Senator Dickinson, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, and Trout—27.

Quorum present.

SPECIAL FILE FOR APPROPRIATION AND CLAIMS BILLS—(RESUMED).

Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges.

The bill having been read third time on this day.

Senator Stratton moved that Senator Taylor be appointed a special committee of one to amend the bill as follows:

Amend by striking out all of Sections 1, 2, 3, and 4 of the printed bill and inserting in lieu thereof the following:

"SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of forty-three thousand five hundred dollars, to be paid to the Regents of the University of California, and by said Regents to be expended for the following purposes, to wit:

"For addition to gymnasium, two thousand dollars.

"For addition to the students' observatory, fifteen hundred dollars.

"For an auditorium and the furnishing of same, twenty thousand dollars.

"For improving the University grounds, three thousand dollars.

"For improving and grading grounds of affiliated colleges, fourteen thousand dollars.

"For addition to the chemical laboratory, two thousand five hundred dollars.

"SEC. 2. The Controller of the State is hereby directed to draw his warrant in favor of the Regents of the University of California for the amount appropriated in section one of this Act, and the State Treasurer is hereby directed to pay the same out of said appropriation.

"SEC. 3. The work provided for in this Act shall be done and performed under the provision of an Act entitled an Act to amend an Act entitled 'An Act to create and organize the University of California,' approved March twenty-third, eighteen hundred and sixty-eight, and an Act amendatory of section twenty-five thereof, approved March twenty-eighth, eighteen hundred and seventy-two, relating to the construction of buildings, approved March third, eighteen hundred and seventy-seven.

"SEC. 4. This Act shall take effect from and after its passage: *provided*, that no part of the moneys hereby appropriated by section one of this Act shall be payable prior to the first day of January, nineteen hundred."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges, and making an appropriation therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print and reëngrossment.

MOTION.

Senator Dickinson moved to take up Senate Bill No. 654 for consideration.

So ordered.

Senate Bill No. 654—An Act to appropriate the sum of \$150 to pay the claim of the Downey Champion, for money due and owing the said Downey Champion from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 654 passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Stratton, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER RESET.

On motion of Senator Morehouse, the consideration of Committee Substitute for Senate Bill No. 308—An Act to establish a uniform system of county and township governments—heretofore set as a special order for this hour, was reset as a special order for Tuesday, March 14, 1899, immediately following the special order heretofore set for that day, immediately after reading of the Journal.

NOTICE OF MOTION TO RECONSIDER.

Senator Gillette gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 52—An Act to establish, ratify, and confirm the north boundary line of Mendocino County, between the counties of Mendocino and Trinity, as the same was surveyed and established by S. H. Rice, between September 1, 1891, and December 18, 1891, to be the true boundary line between the counties of Mendocino and Trinity, State of California—was this day refused passage.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Morehouse moved a reconsideration of the vote whereby Senate Bill No. 450—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878—was passed.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Bettman, Curtin, Dickinson, Flint, Laird, Leavitt, Morehouse, and Shortridge—8.

NOES—Senators Braunhart, Bulla, Burnett, Chapman, Davis, Doty, Dwyer, Hall, Jones, Langford, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Simpson, Sims, and Taylor—20.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 301—An Act entitled an Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill having been read third time on a previous day.

Senator Smith moved to appoint Senator Davis a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 45, the word "at," and inserting in lieu thereof the following: "within ninety days after."

AYES AND NOES.

The question being on the appointment of a special committee of one to amend.

The ayes and noes were demanded by Senators Davis, Hall, and Bulla.

The roll was called, and the motion carried by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Carrier, Curtin, Davis, Doty, Hall, Jones, Langford, La Rue, Luchsinger, Magzard, Morehouse, Rowell, Sims, and Stratton—17.

NOES—Senators Bettman, Dickinson, Flint, Gillette, Laird, Nutt, Pace, Prisk, Shortridge, Trout, and Wolfe—11.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 301—An Act entitled an Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendment adopted.

Senator Gillette moved that Senator Prisk be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 45, after the word "done," all of line 45, and all of lines 46, 47, 48, 49, 50, 51, and 52, and down to and including the word "improvement," in line 53 of said Section 1.

AYES AND NOES.

The question being on the motion to appoint a special committee of one to amend.

The ayes and noes were demanded by Senators Davis, Ashe, and Taylor.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Dickinson, Flint, Gillette, Hoey, Jones, Laird, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Trout, and Wolfe—21.

NOES—Senators Ashe, Davis, Doty, Hall, Langford, La Rue, Leavitt, Pace, and Taylor—9.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 301—An Act entitled an Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885—with instructions to amend, respectfully reports the same back, amended as per instructions.

PRISK, Committee.

Report of special committee of one and amendment adopted.

Senator Braunhart moved that Senator Sims be appointed a special committee of one to amend the bill to read as follows:

"SEC. 2. This Act shall take effect on Monday after the first day of January, nineteen hundred."

Motion lost.

Bill ordered to print and reëngrossment.

PERMISSION TO INTRODUCE A BILL.

Senator Dickinson requested that he be granted permission to introduce a bill to be known as Senate Bill No. 734.

On this question the roll was called, with the following result:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—30.

NOES—Senator Laird—1.

Whereupon the President pro tem. announced that Senator Dickinson, having received the consent of two thirds of the members, as required by Section 2 of Article IV of the Constitution, was entitled to introduce a bill.

INTRODUCTION OF BILL.

The following bill was introduced.

By Senator Dickinson: Senate Bill No. 734—An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the Controller and Treasurer to transfer the amount herein appropriated from the General Fund to said Adult Blind Fund.

Read first time, and referred to Committee on Finance and Claims.

NOTICE OF MOTION TO RECONSIDER.

Senator Stratton moved to reconsider the vote whereby Assembly Bill No. 232—An Act authorizing the Secretary of State to appoint a clerk, in addition to the number now allowed by law, to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year—was refused passage.

The motion was seconded.

Senator Stratton moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 232 was refused passage be postponed until Tuesday, March 14, 1899, at two o'clock P. M.

So ordered.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Committee Substitute for Senate Bills Nos. 142, 159, 204, and 453—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordination of notices of location.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Committee Substitute for Senate Bills Nos. 142, 159, 204, and 453 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Langford, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Stratton, Taylor, and Wolfe—28.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

At nine o'clock and twenty minutes p. m., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth District, in the chair.

Assembly Bill No. 542—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act."

Read third time.

Senator Chapman moved that Senator Dickinson be appointed a special committee of one to amend the bill as follows:

Amend the title by striking out the letter "s," at end of word "sections," in line 1. Also: Strike out "and 6," in line 1.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 542—An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act"—with instructions to amend, respectfully reports the same back, amended as per instructions.

DICKINSON, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print.

RESOLUTION--(OUT OF ORDER).

The following resolution was offered by Senator Rowell:

Resolved, That Senate Bill No. 319 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that a bill shall be read on three several days in each house are hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—28.

NOES—Senator Laird—1.

Senate Bill No. 319—An Act to authorize the insurance of all property of the University of California, held for the purposes of income, against damages or loss.

Read second time and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 319 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Currier, Curtin, Davis, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Nutt, Prisk, Rowell, Smith, Stratton, Taylor, and Trout—24.

NOES—Senators Bettman, Chapman, Laird, Morehouse, Simpson, and Wolfe—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Assembly Bill No. 283—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Read third time.

On motion of Senator Currier, further consideration of bill was postponed until next legislative day.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Ashe:

Resolved, That for the purpose of further furnishing the office of Lieutenant-Governor the present President of the Senate is hereby authorized and directed to secure oil portraits of ex-Lieutenant Governors J. B. Reddick, S. G. Millard, and W. T. Jeter at an expense not to exceed \$300 each, the same payable out of the Contingent Fund of the Senate. The Controller is directed to draw his warrant as above indicated, and the Treasurer is authorized to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Morehouse:

Resolved, That the pay of official stenographer be allowed Mrs. F. E. Ott, from January 2 to February 13, 1899, inclusive, for services rendered the County Government Committee, and the same made payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Bettman:

Resolved, That the pay of official stenographer to the Senate be allowed Mrs. E. J. Niles, from January 2, 1899, to and including January 30, 1899, for services rendered the Senate, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 72—An Act to promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties.

Also: Senate Bill No. 27—An Act amending the Civil Code of the State of California by adding thereto a new section, to be numbered 494, authorizing the sale, by any railroad company owning any railroad in this State, of its property and franchises, or any part thereof, to any other railroad company, whether organized under the laws of this

State or of any other State or Territory, or under any Act of Congress, and prescribing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

And report that the same have been correctly enrolled, and presented the same to the Governor on this thirteenth day of March, 1899, at nine o'clock and seven minutes P. M.

JONES, Chairman.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 10, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 540—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for Police Courts in cities of 30,000 and under 100,000 inhabitants, and to provide for officers thereof,' approved March 18, 1885, and to provide for clerks of Police Courts in cities of 26,000 and under 50,000 inhabitants," approved March 31, 1891, by inserting a new section, to be numbered 6½, providing for prosecuting attorneys of Police Courts in cities having more than 30,000 and not exceeding 200,000 inhabitants, and prescribing the duties and regulating the compensation of such prosecuting attorneys—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TAYLOR, Chairman.

Senate Bill No. 540 ordered on file for second reading.

ADJOURNMENT.

At ten o'clock and forty minutes P. M., on motion of Senator Prisk, the Senate was declared adjourned until nine o'clock and thirty minutes A. M. of Tuesday, March 14, 1899.

IN SENATE.

SENATE CHAMBER,

Tuesday, March 14, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Monday, March 13, 1899, was read.

The Journal of Friday, March 10, 1899, was approved.

SPECIAL ORDER RESET.

Senator Stratton moved that the consideration of Assembly Concurrent Resolution No. 19—Relative to adjournment—heretofore set as a special order for this hour, be continued and made special order for Thursday, March 16, 1899, immediately after reading of the Journal.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Nutt moved a reconsideration of the vote whereby Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Paris Exposition in 1900; also, for providing a commission, salaries, and traveling expenses of commission and attachés—was passed.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Boyce, Burnett, Chapman, Hall, La Rue, Maggard, Morehouse, Rowell, and Trout—9.

NOES—Senators Bettman, Bulla, Currier, Davis, Dickinson, Doty, Flint, Jones, Leavitt, Luchsinger, Nutt, Shortridge, Smith, and Stratton—14.

INVITATION TO FREE HARBOR JUBILEE.

Senator Bulla presented the following invitation to the Free Harbor Jubilee, from the Executive Committee of the same, and on his motion it was ordered printed in the Journal:

LOS ANGELES, CAL., March 10, 1899.

To the honorable the members of the Senate of the State of California:

GENTLEMEN: The Executive Committee of the Free Harbor Jubilee, through its Committee on Invitation and Reception, most cordially invite you to be present at the celebration of the Free Harbor Jubilee, which inaugurates the establishment on the southern coast of California of a new harbor for ocean steamships of the first class, and which will contribute to the commercial growth and prosperity of the whole southwest:

It is the most important harbor work ever undertaken by the Government of the United States on the Pacific Coast, and is in other respects a work of national importance. The event will be historic, and the series of attractions and displays unique and beautiful.

PROGRAMME.

Tuesday, April 25 (at Los Angeles).—Reception at eight o'clock p. m. by the citizens of Los Angeles at the Chamber of Commerce. Music and refreshments.

Wednesday, April 26 (at San Pedro).—Depositing first barge load of rock at eleven o'clock a. m. Addresses by prominent speakers. Barbecue at one o'clock p. m. Grand illumination of the harbor, shipping, and bluffs in the evening.

Thursday, April 27 (at Los Angeles).—Nine o'clock a. m.: Festivities characteristic of the early days of California. Magnificent floral parade in the afternoon. Grand parade of floats, electrically illuminated, in the evening.

During the jubilee there will be every arrangement for the comfort and convenience of visitors.

Most respectfully,

G. J. GRIFFITH, Chairman.

Committee on Invitation and Reception of the Free Harbor Jubilee—Griffith J. Griffith, Homer Laughlin, F. M. Kelsey, W. D. Woolwine, J. A. Muir, Hon. Fred Eaton, Herman Silver, Dan Freeman, M. M. Potter, and J. O. Koepfli.

SPECIAL ORDER.

The special order set for this hour, being the consideration of Committee Substitute for Senate Bill No. 308—An Act to establish a uniform system of county and township governments—was taken up.

MOTIONS.

Senator Dickinson moved to re-refer bill to Committee on County Government and Township Organization, to report a substitute to-morrow.

Motion lost.

Senator Shortridge moved that further consideration of bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

The ayes and noes were demanded by Senators Bulla, Davis, and Shortridge.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bettman, Chapman, Davis, Dickinson, Doty, Gillette, Luchsinger, Simpson, and Smith—9.

NOES—Senators Braunhart, Bulla, Burnett, Currier, Flint, Hall, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—19.

Senator Bulla moved that the Senators prepare bills amending the Act now in force affecting their counties, and that they be introduced on next legislative day, and made cases of urgency.

Motion carried.

SPECIAL ORDER SET.

Senator Bulla thereupon moved that further consideration of Committee Substitute for Senate Bill No. 308 be postponed until Wednesday, March 15, 1899, immediately after reading of the Journal.

Motion carried.

BILL RECALLED FROM ENGROSSMENT.

Senator Stratton moved that Senate Bill No. 325 be recalled from print and reëngrossment, and ordered on third-reading file, for the purpose of correction in amendment.

Motion carried.

THIRD READING OF BILL.

Senate Bill No. 325—An Act to provide for the erection of buildings, and certain improvements for the University of California and its affiliated colleges, and making an appropriation therefor.

Bill read third time on a previous day.

Senator Stratton moved that Senator Taylor be appointed a special committee of one to amend the bill as follows:

Amend by striking out of line 3, Section 1, the words "five hundred."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 325, with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to reëngrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 150—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 430—An Act to add a new article to Chapter III, Part III, Title I of the Political Code of the State of California, to be designated Article XX, relating to the compensation and traveling expenses of civil executive officers, employes, and agents of the State.

Also: Senate Bill No. 470—An Act making an appropriation of \$5,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Also: Senate Bill No. 672—An Act to amend subdivision 2 of Section 1, Article III, of an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887.

Also: Assembly Bill No. 525—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

Also: Assembly Bill No. 594—An Act to appropriate the sum of \$25,000 to pay the claim of Claus Spreckels, for money due and owing to the said Claus Spreckels from the State of California.

Also: Assembly Bill No. 642—An Act to appropriate the sum of \$300 to pay the claim of Theodore Pliesch, for money due and owing to the said Theodore Pliesch from the State of California.

Also: Assembly Bill No. 697—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 500—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.

Also: Senate Bill No. 545—An Act authorizing the appropriation of moneys by the several counties, and cities and counties, and the municipal corporations, for the purpose of advancing and maintaining their respective interests by exhibit of products and otherwise at the Pacific Ocean and International Exposition.

Also: Senate Bill No. 668—An Act to provide for the branding and marking of livestock, for taxing brands and marks, and for the recording of brands and marks: to prevent the defacing of brands and marks, to provide penalties for violations thereof, and to repeal all Acts and parts of Acts in conflict herewith.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 630—An Act to appropriate the sum of \$17,000 for the purpose of establishing a water sprinkling and pumping plant in the Yosemite Valley.

Also: Senate Bill No. 193—An Act to provide for the payment of interest at the statutory rate to every bona fide owner and holder of any unlocated or unanceled school land warrant issued under the Act of the State of California, approved May 3, 1862, providing for the disposal of the 5,000 acres of land donated to the State of California by the Government of the United States, and to each and every person having owned and canceled any such warrant or warrants under the Act of March 23, 1893.

Also: Senate Bill No. 296—An Act to provide for an investigation by the University of California into the rainfall and water supply of the State, and to make an appropriation therefor.

Also: Senate Bill No. 452—An Act to pay the claim of Louis Gerlach against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 469—An Act to authorize the Board of Managers of the Stockton State Hospital at Stockton to purchase lands for farm and dairy purposes for the use of the Stockton State Hospital at Stockton, under control of said Board of Managers, and to construct necessary farm buildings and fencing thereon, and such other improvements as may be necessary for said purposes, and to purchase livestock, farming utensils, and other personal property necessary therefor, and appropriating money therefor.

Also: Assembly Bill No. 128—An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses incident and relating thereto, and provide for managing the same, for the transfer of prisoners thereto, and government of the inmates thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 18—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 157—An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses incident and relating thereto, and provide for managing the same, for the transfer of prisoners thereto, and government of the inmates thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors have leave to withdraw the same, similar Assembly bills (Nos. 54 and 128) having already been acted upon.

DICKINSON, Chairman.

Senate Bills Nos. 150, 430, 470, 672, 500, 545, 668, 193, 296, 452, 469, 18, and 157 ordered on file for second reading.

Assembly Bills Nos. 525, 594, 642, 697, 630, and 128 ordered on special file of Assembly bills for second reading.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Senator Luchsinger moved that Senate Constitutional Amendment No. 23 be taken up and considered.

So ordered.

SENATE CONSTITUTIONAL AMENDMENT No. 23.

A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

The Legislature of the State of California, at its thirty-third session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California the following amendment to Section 8 of Article XI of the Constitution:

Section 8 of Article XI of the Constitution is hereby amended so as to read as follows:

Section 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Senate constitutional amendment read.

The question being on the adoption of the Senate constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the result, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, eleven o'clock and ten minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifteen minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Shortridge.

The President pro tem. thereupon announced Senate Constitutional Amendment No. 23 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—Senators Boyce, Bulla, Doty, Langford, Rowell, and Simpson—6.

Senate Constitutional Amendment No. 23 ordered transmitted to the Assembly.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS.

On motion of Senator Nutt, the special file of appropriation and claims bills was taken up and considered.

Senate Bill No. 119—An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum.

Passed temporarily on file.

Senate Bill No. 383—An Act to provide for the construction of a building for library purposes and additional class-rooms at the State Normal School in San José, and to provide for furnishing, equipment, and heating and ventilation apparatus therefor, and making appropriation for the same.

Passed temporarily on file.

Assembly Bill No. 402—An Act authorizing the Superintendent of Public Instruction to purchase necessary metallic filing and book cases, and to refurnish and repair his office, and making an appropriation therefor.

Read second time, and passed temporarily on file, and still open for amendment in second reading.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Dickinson asked for unanimous consent to withdraw Senate Bill No. 420—An Act requiring the payment into the State Treasury of all moneys belonging to the State, etc.—and to substitute therefor on file Assembly Bill No. 554.

Senate Bill No. 420 withdrawn and ordered stricken from the file, and Assembly Bill No. 554 substituted therefor on file.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS—(RESUMED).

Assembly Bill No. 554—An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 554 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Currier, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 422—An Act appropriating money for the repair and improvement of the buildings and grounds at the Industrial Home of Mechanical Trades for the Adult Blind.

During the second reading of bill, the following substitute was offered by Senator Stratton:

SUBSTITUTE FOR SENATE BILL NO. 422.

An Act appropriating money for the repair and improvement of the buildings and grounds at the Industrial Home of Mechanical Trades for the Adult Blind.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five thousand (\$5,000) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the repair and improvement of the buildings and grounds at the Industrial Home of Mechanical Trades for the Adult Blind.

SEC. 2. All said money shall be expended in accordance with law, under the direction of the Board of Directors of said home.

SEC. 3. The Controller of State is hereby directed to draw his warrant in favor of the Board of Directors of said home for the amount herein appropriated, and the Treasurer is directed to pay the same.

SEC. 4. This Act shall take effect from and after its passage; *provided*, that no part of the moneys hereby appropriated shall be drawn from the Treasury prior to the first day of January, nineteen hundred.

Substitute read and adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 434—An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the Capitol.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 434 passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Langford, Leavitt, Maggard, Nutt, Prisk, Simpson, Sims, Smith, Trout, and Wolfe—22.

NOES—Senator Morehouse—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 445—An Act making an appropriation to pay for concrete floor in basement of the State Capitol, and for ventilating said basement, and requiring that the work be done under the direction of the Secretary of State.

Read second time, and ordered to engrossment.

WITHDRAWAL OF BILL.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 466—An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service during the year 1898, their privileges and exemptions.

Consent granted.

Senate Bill No. 466 withdrawn and ordered stricken from the file.

Senate Bill No. 469—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Read second time, and ordered to engrossment.

Senate Bill No. 469—An Act to authorize the Board of Managers of the Stockton State Hospital at Stockton to purchase lands for farm and dairy purposes for the use of the Stockton State Hospital at Stockton, under control of said Board of Managers, and to construct necessary farm buildings and fences thereon, and such other improvements as may be necessary for said purposes, and to purchase livestock, farming utensils, and other personal property necessary therefor, and appropriating money therefor.

The question being, "Shall the bill be read second time?"

The same was put and lost.

Senate Bill No. 470—An Act making an appropriation of \$5,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

The question being, "Shall the bill be read second time?"

The same was put and lost.

Senate Bill No. 472—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a reformatory for the confinement and reformation of prison convicts; to select and secure a site, and submit sketch plans and specifications therefor, to investigate and report upon the feasibility of the sale of the property belonging to the State at San Quentin, and of segregating the prisoners into classes, looking to the confinement of incorrigibles at Folsom Prison; to enlarge said prison for that purpose, and to the confinement of those capable of reformation at such reformatory when established, and to make an appropriation for such purposes.

Read second time, and ordered to engrossment.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 468—An Act providing for the construction of a State highway or free wagon road from Mount Hamilton Observatory, in Santa Clara County, to the San Joaquin River, in Stanislaus County, to connect with the most desirable public road leading to the Yosemite Valley; providing for the appointment of a Board of Commissioners, and authorizing and directing said Board of Commissioners to perform certain duties relating to the construction of such highway, and to condemn land and property for the purposes aforesaid, and making an appropriation for

the expenditures and purposes provided in this Act—and to substitute therefor on file Assembly Bill No. 877.

Consent granted.

Senate Bill No. 468 withdrawn and ordered stricken from the file, and Assembly Bill No. 877 substituted therefor on the file.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS—(RESUMED).

Assembly Bill No. 877—An Act to provide for the construction of a free wagon road from Mount Hamilton Observatory, in Santa Clara County, to some point in Stanislaus County where connection can be made with the best route to the Yosemite Valley, and making an appropriation therefor.

Read second time, and ordered to third reading.

At eleven o'clock and forty-five minutes A. M., Hon. R. N. Bulla, State Senator from the Thirty-seventh District, in the chair.

Senate Bill No. 483—An Act making an appropriation to pay the claim of the Office Specialty Manufacturing Company, for metallic furniture furnished the office of the Clerk of the Supreme Court at Sacramento.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "immediately," in line 1, Section 2, page 1, printed bill, and inserting in lieu thereof the following: "the first day of January, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 496—An Act for the relief of Hugo Duveneck, executor of the last will of Sigmund M. Thannhauser, deceased, for moneys paid through error by him as a tax on certain collateral bequests provided for in said will.

During the second reading of bill, the following amendment was offered by Senator Stratton:

Amend the enacting clause by inserting after the word "California," and before the word "in," the word "represented."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 504—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

During the second reading of bill, the following amendments were submitted:

By Senator Maggard:

Amend by inserting the figure "2" after the word "Section" in line 1 of Section 2.

Amendment adopted.

By the committee:

Amend by striking out the word "immediately," in line 1, Section 3, page 1, printed bill, and inserting in lieu thereof the words "the first day of January, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego, by the Board of State Harbor Commissioners for San Diego Bay.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 47 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Gillette, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Doty asked unanimous consent to withdraw Senate Bill No. 519—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges for the same.

Consent granted.

Senate Bill No. 519 withdrawn and ordered stricken from the file.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS—(RESUMED).

Assembly Bill No. 668 (Substitute for Assembly Bill No. 11)—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges for the same.

Read second time, and ordered to third reading.

Senate Bill No. 566—An Act to create a State Board of Control, and to provide for the management and control of the charitable, reformatory, and penal institutions of the State, other than State prisons, and to provide for supervisory powers over said State institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor.

Passed on file.

Senate Bill No. 610—An Act to appropriate the sum of \$17,000 for the purpose of establishing a water sprinkling and pumping plant in the Yosemite Valley.

The question being, "Shall the bill be read second time?"

The same was put and lost.

Senate Bill No. 611—An Act to appropriate the sum of \$13,000 for the purpose of establishing an electric light and lighting plant in the Yosemite Valley.

The question being, "Shall the bill be read second time?"

The same was put and lost.

Senate Bill No. 700—An Act to appropriate \$1,120 to pay the unpaid salary of the late Dennis Spencer as Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco, from July 15, 1895, until and including November 30, 1895.

Read second time, and ordered to engrossment.

Senate Bill No. 704—An Act authorizing the Governor to order the

transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof to such fund.

Passed on file.

Senate Bill No. 712—An Act to appropriate the sum of \$1,150 50 to pay the claim of Bancroft, Whitney & Co., for money due and owing the said Bancroft, Whitney & Co. from the State of California.

Read second time, and ordered to engrossment.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, March 14, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Bulla, Burnett, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—78.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Monday, March 13, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Monday, March 13, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Currier, Jones, Maggard, Nutt, Smith, and Trout—7.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For Henry C. Gesford—Senators Ashe, Braunnhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Prisk, and Sims—10.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	35
W. H. L. Barnes received	7 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	7 votes.
Irving M. Scott received	3 votes.
Henry C. Gesford received	10 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, and Robinson—14.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—21.

For Irving M. Scott—Messrs. Cosper and Dunlap—2.

For Henry C. Gesford—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—19.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	77
W. H. L. Barnes received	14 votes.
M. M. Estee received	1 vote.
D. M. Burns received	19 votes.
U. S. Grant, Jr., received	21 votes.
Irving M. Scott received	2 votes.
Henry C. Gesford received	19 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	112
Necessary to a choice	57
W. H. L. Barnes received	21 votes.
M. M. Estee received	1 vote.
D. M. Burns received	26 votes.
U. S. Grant, Jr., received	25 votes.
Irving M. Scott received	5 votes.
John Rosenfeld received	1 vote.
Henry C. Gesford received	29 votes.
James D. Phelan received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-one minutes P. M., on motion of Assemblyman Dibble, the President pro tem. of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Wednesday, March 15, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and twenty-seven minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Burnett, Currier, Doty, Dwyer, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Simpson, Smith, Stratton, and Trout—23.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Ashe:

Resolved, That the pay of official stenographer be allowed to Mr. G. Berton Chaney from January 2 to January 9, 1899, inclusive, for services rendered the Senate, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

Senator Leavitt moved to take up messages from the Assembly. So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 733—An Act making an appropriation to pay the claim of J. E. Edson.

Also: Passed Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Also: Passed Assembly Bill No. 629—An Act to add a new section to the Penal Code, said section to be designated as Section 625½, relating to oil pipe-lines.

Also: Passed Assembly Bill No. 603—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Also: Passed Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Passed Senate Bill No. 70—An Act to appropriate \$1,500 for the furnishing of the Administration building and two male wards of the Mendocino State Hospital; for the purchase of an electric plant for lighting the hospital buildings and grounds, and the necessary machinery and appliances therefor, and to construct a building to contain the same; to purchase an ice plant and cold storage system, to make the necessary changes in attics to protect the hospital buildings against fire, to appropriate money therefor, and to provide for the expenditure of the same.

Also: Concurred in Senate amendments to Assembly Bill No. 138—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885, and to add two new sections thereto, all relating to the State Board of Dental Examiners, and regulating the practice of dentistry in this State.

Also: Concurred in Senate amendments to Assembly Bill No. 509—An Act providing for the maintenance of a residence for the Governor of the State of California, and empowering the State Capitol Commissioners to provide for the heating, lighting, and repairs, and renewal of furnishings of said residence, and providing for the number and salaries of the necessary employes and servants selected and employed by the Governor therein, and for the appropriation of money necessary for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

Also: Respectfully refused to concur in Senate amendments to Assembly Bill No. 847—An Act to amend Section 2712 of the Political Code, relative to bridges, subways, and culverts—and requests that your honorable body recede therefrom, and that in case of non-receding, the Assembly has appointed Assemblymen Knowland, Kelsey, and McDonald of Alameda as a committee of conference on behalf of the Assembly, to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 733 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 629 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 603 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Senate Bills Nos. 155, 210, and 70 ordered to enrollment.

The question being, "Shall the Senate recede from Senate amendments to Assembly Bill No. 847?"

The roll was called, and the Senate receded from its amendments to Assembly Bill No. 847 by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Currier, Davis, Doty, Flint, Hall, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Simpson, Stratton, Taylor, and Trout—21.

NOES—Senator Smith—1.

The Secretary was directed to inform the Assembly, by message, that the Senate had receded from its amendments to Assembly Bill No. 847.

RECESS.

At twelve o'clock and forty minutes P. M., the hour of recess having arrived, the President pro tem. of the Senate declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Boyce, Braunhart, Bulla, Burnett, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—26.

Quorum present.

MOTION.

Senator Leavitt moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 75—An Act making an appropriation to pay the claim of J. W. Sibole.

Also: Concurred in Senate amendments to Assembly Bill No. 292—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Also: Passed Assembly Bill No. 469—An Act to amend Section 5 of an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891.

Also: Assembly Bill No. 372—An Act to amend an Act relating to commitment to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the county from which their children are committed approved March 26, 1895, by amending Section 1 thereof and repealing Sections 2, 3, and 4 thereof.

Also: Assembly Bill No. 38—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 28 of said Act, relating to and providing for the government of counties of the third class.

Also: Assembly Bill No. 756—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture, as instructress and silk expert.

Also: Assembly Bill No. 937—An Act to amend Sections 1637 and 1638 of Part III, Chapter III, Title III of the Political Code, relating to the School Law of California.

Also: Concurred in Senate amendments to Assembly Bill No. 600—An Act to amend Sections 623, 634, 635, 636, 637, 628, 639, 640, 641, 642, 643, 644, 645, 646, and 647 of the Civil Code, and repealing Section 648 of the Civil Code, relating to mutual building and loan associations, and other similar corporations.

Also: Concurred in Senate amendments to Assembly Bill No. 22—An Act to add a new section to the Penal Code, to be distinguished as Section 354½, making it a misdemeanor to fill, sell, buy, or otherwise dispose of or traffic in any cask, keg, bottle, vessel, siphon, can, case, or other package, bearing the duly filed trademark or name of another, printed, branded, stamped, engraved, etched, blown, or otherwise attached or produced thereon.

Also: Amended, and passed as amended, Senate Bill No. 205—An Act to amend an Act of the Legislature entitled "An Act concerning agricultural societies," approved March 12, 1859, and to authorize agricultural societies formed under said Act to borrow money and secure the payment of the same, or to sell property to pay the existing debts of said societies.

Also: Concurred in Senate amendments to Assembly Bill No. 690—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Also: Adopted and concurred in the report of the committee of free conference on Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall, thoroughfare, and belt-line railroad of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people—after the same was finally printed, as required by the Constitution, and said bill was then finally passed and ordered to be transmitted to the Senate forthwith.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 469 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 372 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 38 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 756 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 937 read first time, and referred to Committee on Education and Public Morals.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 75?"

AMENDMENT No. 1.

Amend by striking out of lines 1 and 2, Section 1, printed bill, the words "one thousand dollars, or so much thereof as may be necessary," and inserting in lieu thereof the words "six hundred and seventy-five dollars."

AMENDMENT No. 2.

Amend by striking out of Section 3, printed bill, the word "immediately" and inserting in lieu thereof the following: "from and after January first, nineteen hundred."

AMENDMENT No. 3.

Amend by striking out of line 4, Section 1, page 1, printed bill, the words "after the same has been approved by," and inserting in lieu thereof the following: "subject to the approval of."

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Hall, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, and Trout—26.

NOES—None.

Senate Bill No. 75 ordered to enrollment.

The Secretary was directed to inform the Assembly, by message, that the Senate had concurred in Assembly amendments to Senate Bill No. 75.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 205?"

Amend the title of said bill by striking out the whole thereof, and inserting in lieu of same the following:

"An Act to authorize and empower any agricultural societies which have heretofore been formed and are now existing under and by virtue of an Act of the Legislature of the State of California, entitled 'An Act concerning agricultural societies,' approved March 12, 1859, and to authorize and empower any agricultural associations which have heretofore been formed and are now existing under and by virtue of an Act of the Legislature of the State of California, entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, or under and by virtue of any Acts of the Legislature of the State of California amendatory of said Acts of March 12, 1859, and April 15, 1880, to borrow money and secure payment of the same, or to sell property to pay the existing debts of such societies or organizations."

Also: Amend by striking out all after the enacting clause, and inserting in lieu of same, the following:

"SECTION 1. Any agricultural societies which have heretofore been formed and are now existing under and by virtue of an Act of the Legislature of the State of California entitled 'An Act concerning agricultural societies,' approved March 12, 1859, and any agricultural associations which have heretofore been formed and are now existing under and by virtue of an Act of the Legislature of the State of California entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, or under and by virtue of any Act or Acts amendatory of said Acts of March 12, 1859, and April 15, 1880, may borrow money and secure the payment of such indebtedness by deed of trust or mortgage upon the real property of any such society or association upon obtaining an order for that purpose from the Superior Court of the county in which the property is situate.

"SEC. 2. Before making the order, proof must be made to the satisfaction of the court that notice of the application to borrow money, to make and execute such mortgage or deed of trust, or to make such sale and conveyance, has been given by publication in such manner and for such time as the court or the Judge thereof has directed, and that

it is for the interest of such association or society that leave should be granted as prayed for. The application must be made by petition, and any member of the society or association may oppose the granting of the order by affidavit or otherwise. If the court shall, after full hearing, determine that it would be for the interest of such association or society to grant such leave, it shall make an order to that effect, otherwise it shall deny such application.

"SEC. 3. This Act shall take effect immediately."

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Davis, Dickinson, Doty, Flint, Langford, La Rue, Leavitt, Maggard, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—24.

NOES—None.

Senate Bill No. 205 ordered to enrollment.

The Secretary was directed to inform the Assembly, by message, that the Senate had concurred in the Assembly amendments to Senate Bill No. 205.

Senator Braunhart moved that the report of the committee of free conference on Senate Bill No. 54, reported to the Senate March 9th, and printed in the Journal of the Senate of March 9th, be now adopted, and the bill, as so amended in free conference and printed, be put upon its final passage.

The question being on the adoption of the report of the committee of free conference on Senate Bill No 54, which amended printed bill as follows:

By striking out of Section 1, line 5, page 2, the word "southward" after the word "Francisco."

Also: By striking out of Section 6, line 42, the words "United States" after the word "required."

The same was adopted.

FINAL PASSAGE OF BILL.

Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

The question being on the final passage of the bill as amended by the committee of free conference, whose report was adopted by the Senate.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Jones, Langford, La Rue, Leavitt, Maggard, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered to enrollment.

REPORT OF COMMITTEE OF FREE CONFERENCE ADOPTED.

Senator Taylor moved that the report of committee of free conference on Assembly Bill No. 366—An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof—as printed in the Journal of March 4, 1899, be adopted.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Stratton, Taylor, and Trout—31.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Prisk:

Resolved, That Assembly Bills Nos. 861, 872, 407, 876, 864, 891, 904, 795, 975, 808, 775, 840, 822, 903, 784, 865, 863, 790, 84, 895, 766, 747, 958, 836, 803, 875, 734, 906, 777, 890, 856, 799, 801, 843, 900, 918, 968, 848, 934, 974, 929, and 969 present cases of urgency, as that term is used in Section 15, Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Stratton, and Trout—30.

NOES—None.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of this Act.

The bill having been reconsidered yesterday, the question was on its passage.

The roll was called, and Assembly Bill No. 249 finally passed by the following vote:

AYES—Senators Boyce, Bulla, Currier, Curtin, Doty, Gillette, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—23.

NOES—Senators Bettman, Braunhart, Burnett, Dwyer, and Hall—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Bettman was granted a leave of absence for the day, on motion of Senator Smith.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Leavitt moved a reconsideration of the vote whereby Assembly Bill No. 127—An Act to provide for the purchase of additional land for the Folsom State Prison, and making an appropriation therefor—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin, Davis, Doty, Dwyer, Jones, Langford, La Rue, Leavitt, Maggard, Morehouse, Rowell, Shortridge, Simpson, Sims, Stratton, and Wolfe—23.

NOES—Senators Gillette, Luchsinger, Nutt, Prisk, Smith, Taylor, and Trout—7.

Assembly Bill No. 127—An Act to provide for the purchase of additional land for the Folsom State Prison, and making an appropriation therefor.

The bill having been reconsidered, the question was on its passage.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Wolfe, Leavitt, and Hoey.

The roll was called, and the motion for a call of the Senate carried by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Chapman, Curtin, Davis, Doty, Hoey, Langford, Leavitt, Maggard, Morehouse, Rowell, Shortridge, Simpson, Smith, and Wolfe—17.

NOES—Senators Bulla, Currier, Dwyer, Gillette, Hall, Jones, La Rue, Luchsinger, Nutt, Pace, Prisk, Sims, Taylor, and Trout—14.

Time, three o'clock and six minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and ten minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Ashe, who was excused for absence from the Senate Chamber, on motion of Senator Simpson.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twelve minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called, and the President pro tem. thereupon declared Assembly Bill No. 127 finally passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Langford, Leavitt, Maggard, Morehouse, Pace, Shortridge, Simpson, Stratton, and Wolfe—23.

NOES—Senators Bulla, Dickinson, Gillette, Hall, La Rue, Luchsinger, Nutt, Prisk, Sims, Smith, Taylor, and Trout—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILLS—(CASES OF URGENCY).

Assembly Bill No. 881—An Act to appropriate the sum of \$175 to pay the claim of Trinity Journal, for money due and owing the said Trinity Journal from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 881 finally passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Gillette, Hoey, Jones, Langford, La Rue, Luchsinger, Morehouse, Prisk, Rowell, Simpson, Sims, Smith, and Taylor—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 872—An Act to appropriate the sum of \$100 to pay the claim of Phil B. Dankey, for money due and owing the said Phil B. Dankey from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 872 finally passed by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Currier, Curtin, Feeney, Flint, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 407—An Act to appropriate the sum of \$200 to pay the claim of the Capital, for money due and owing the said Capital from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 407 finally passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Flint, Gillette, Jones, Langford, La Rue, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 876—An Act to appropriate the sum of \$300 to pay the claim of E. C. Rust, for money due and owing the said E. C. Rust from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 876 finally passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Jones, Langford, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 864—An Act to appropriate the sum of \$1,000 to pay the claim of the California Demokrat, for money due and owing the said California Demokrat from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 864 finally passed by the following vote:

AYES—Senators Ashe, Chapman, Currier, Curtin, Dickinson, Doty, Flint, Gillette, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 891—An Act to appropriate the sum of \$120 to pay the claim of the Chico Daily Record, for money due and owing the said Chico Daily Record from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 891 finally passed by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Chapman, Dickinson, Doty, Feeney, Flint, Gillette, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 904—An Act to appropriate the sum of \$150 to pay the claim of the Inyo Independent, for money due and owing the said Inyo Independent from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 904 finally passed by the following vote:

AYES—Senators Ashe, Boyce, Chapman, Currier, Curtin, Dickinson, Doty, Flint, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 795—An Act to appropriate the sum of \$125 to pay the claim of F. B. Colver, for money due and owing the said F. B. Colver from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 795 finally passed by the following vote:

AYES—Senators Ashe, Chapman, Currier, Curtin, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Maggard, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 915—An Act to appropriate the sum of \$135 to pay the claim of Clark & Sharp, for money due and owing the said Clark & Sharp from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 finally passed by the following vote:

AYES—Senators Ashe, Chapman, Currier, Curtin, Dickinson, Doty, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 809—An Act providing for the allowance and payment of the claim of Town Talk Publishing Company against the State of California, and making appropriation therefor.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 809 finally passed by the following vote:

AYES—Senators Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 785—An Act to appropriate the sum of \$100 to pay the claim of the Willows Promoter, for money due and owing the said Willows Promoter from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 785 finally passed by the following vote:

AYES—Senators Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Langford, La Rue, Leavitt, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 840—An Act to appropriate the sum of \$250 to pay the claim of A. A. Taylor, for money due and owing the said A. A. Taylor from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 840 finally passed by the following vote:

AYES—Senators Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 822—An Act to provide for the payment of \$180 to John McGonigle, proprietor of the Ventura Democrat, for the advertising of the constitutional amendments, and to make appropriation therefor.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 822 finally passed by the following vote:

AYES—Senators Ashe, Chapman, Currier, Curtin, Dickinson, Doty, Flint, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 903—An Act to appropriate the sum of \$75 to pay the claim of Butchers and Stockgrowers' Journal, for money due and owing the said Butchers and Stockgrowers' Journal from the State of California.

Read second time..

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 903 finally passed by the following vote:

AYES—Senators Braunhart, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 784—An Act to appropriate the sum of \$100 to pay the claim of E. M. Sehorn, for money due and owing the said E. M. Sehorn from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 784 finally passed by the following vote:

AYES—Senators Braunhart, Chapman, Currier, Curtin, Dickinson, Doty, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 736—An Act to appropriate the sum of \$575 to pay the claim of James H. Barry, for money due and owing to the said James H. Barry from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 736 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Currier, Curtin, Dickinson, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 865—An Act to appropriate the sum of \$1,100 to pay the claim of W. A. Spaulding, for money due and owing the said W. A. Spaulding from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 865 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Flint, Gillette, Hall, La Rue, Leavitt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 863—An Act to appropriate the sum of \$125 to pay the claim of Blue Lake Advocate, for money due and owing the said Blue Lake Advocate from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 863 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Currier, Curtin, Dickinson, Flint, Gillette, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 790—An Act making an appropriation to pay the claim of Allen B. Lemmon against the State, for publishing proposed constitutional amendments.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 790 finally passed by the following vote:

AYES—Senators Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Flint, Gillette, Jones, Langford, La Rue, Leavitt, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 811—An Act to appropriate the sum of \$1,600 to pay the claim of Evening Post Publishing Company, for money due and owing the said Evening Post Publishing Company from the State of California.

Read second time.

Read third time.

MOTION TO REFER.

Senator Dickinson moved that Senator Wolfe be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 3, the words "one thousand six," and inserting in lieu thereof "twenty-five."

Also: In line 4, Section 1, strike out the words "one thousand six," and insert in lieu thereof "twenty-five."

Also: Strike out of Section 2, line 3, the words "one thousand six," and insert in lieu thereof "twenty-five."

Also: Strike out of the title the figures "1600," and insert in lieu thereof the figures "2500."

The question being on the motion to appoint a special committee of one to amend.

The ayes and noes were demanded by Senators Wolfe, Shortridge, and Dickinson.

The roll was called, and the motion to appoint a special committee lost by the following vote:

AYES—Senators Burnett, Dickinson, Hall, Leavitt, Morehouse, Prisk, Shortridge, Simpson, Stratton, and Wolfe—10.

NOES—Senators Ashe, Boyce, Bulla, Currier, Curtin, Davis, Doty, Jones, Langford, La Rue, Luchsinger, Maggard, Rowell, Sims, Smith, Taylor, and Trout—17.

MOTION.

Senator Dickinson moved that Senator Wolfe be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 3, the words "one thousand six" and inserting in lieu thereof "twenty."

Also: In line 4, Section 1, strike out the words "one thousand six" and insert the word "twenty."

Also: Strike out of Section 2, line 3, the words "one thousand six," and insert in lieu thereof the word "twenty."

Also: Strike out of the title the figures "1600," and insert in lieu thereof the figures "2000."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 811—An Act making an appropriation to pay the claim of the Evening Post Publishing Company, for publishing the constitutional amendments submitted at the general election of 1898—with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print.

Assembly Bill No. 885—An Act making an appropriation to pay the claim of the San Francisco News Letter, for advertising the constitutional amendments for the year 1898.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 885 finally passed by the following vote:

AYES—Senators Brauhart, Burnett, Currier, Dickinson, Doty, Flint, Hoey, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 766—An Act to appropriate the sum of \$150 to pay the claim of J. L. Childs, for money due and owing the said J. L. Childs from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 766 finally passed by the following vote:

AYES—Senators Brannhart, Burnett, Currier, Curtin, Dickinson, Flint, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, and Trout—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 747—An Act to appropriate the sum of \$150 to pay the claim of the Mountain Messenger, for money due and owing the said Mountain Messenger from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 747 finally passed by the following vote:

AYES—Senators Brannhart, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Stratton, Taylor, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

At four o'clock and fifteen minutes P. M., the Committee on Finance and Claims was granted leave of absence for one hour, on motion of Senator Dickinson.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Sims, Senate Bill No. 207 was recalled from engrossment and ordered on second-reading file for purpose of amendment.

AMENDMENT OF BILL.

Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating, and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read second time on a previous day.

The following amendments were submitted by the committee:

AMENDMENT NO. 1.

Amend by striking out the words "thirty thousand dollars," in line 3, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "eight thousand five hundred dollars, or so much thereof as may be necessary."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out Section 2, page 1, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 1, Section 3, page 1, printed bill, the figure "3," and inserting in lieu thereof the figure "2."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the figure "4," line 1, Section 4, page 2, printed bill, and inserting in lieu thereof the figure "3."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out Section 5, page 2, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the figure "6," in line 1, Section 6, page 2, printed bill, and inserting in lieu thereof the figure "4."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the word "immediately," in line 1, Section 8, page 2, printed bill, and inserting in lieu thereof the words "the first day of January, nineteen hundred."

Amendment adopted.

Bill ordered to print and engrossment.

CONSIDERATION OF ASSEMBLY BILLS THIS DAY MADE CASES OF URGENCY—
(RESUMED).

Assembly Bill No. 958—An Act to appropriate the sum of \$225 to pay the claim of the Napa Journal, for money due and owing the said Napa Journal from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 958 finally passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 836—An Act to appropriate the sum of \$600 to pay the claim of Herald Publishing Company, for money due and owing the said Herald Publishing Company from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 836 finally passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Flint, Gillette, Hall, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 803—An Act providing for the allowance and pay-

ment of the claim of Thomas M. Menihan, proprietor of the Healdsburg Enterprise, against the State of California, and making an appropriation therefor.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 803 finally passed by the following vote:

AYES—Senators Boyce, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Langford, Leavitt, Maggard, Morehouse, Nutt, Pace, Sims, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 875—An Act to appropriate the sum of \$300 to pay the claim of J. B. Sanford, for money due and owing the said J. B. Sanford from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 875 finally passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Jones, Langford, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Stratton, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 734—An Act to appropriate the sum of \$3,400 to pay the claim of San Francisco Call, for money due and owing the said San Francisco Call from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 734 finally passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Langford, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Stratton, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 906—An Act to appropriate the sum of \$250 to pay the claim of Alfred Harrell, for money due and owing the said Alfred Harrell from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 906 finally passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Jones, Langford, Leavitt, Maggard, Nutt, Pace, Prisk, Simpson, Sims, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 777—An Act to appropriate the sum of \$1.164 to pay the claim of James McClatchy & Co., for money due and owing the said James McClatchy & Co. from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 777 finally passed by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Leavitt, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Stratton, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At four o'clock and thirty minutes P. M., on motion of Senator Leavitt, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Boyce, Braunhart, Bulla, Chapman, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—29.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Trout:

Resolved, That the pay of official stenographer to the Senate be allowed Mrs. A. J. Porter from January 2, 1899, to and including January 30, 1899, for services rendered the Senate, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

SUSPENSION OF RULES.

Senator Leavitt moved that the rules be suspended, and that Assembly bills this day made cases of urgency be now considered.

The question being on the suspension of the rules and the consideration of urgency Assembly bills.

The roll was called, and the motion carried by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, and Trout—26.

NOES—Senator Taylor—1.

CONSIDERATION OF ASSEMBLY BILLS THIS DAY MADE CASES OF URGENCY.

Assembly Bill No. 890—An Act making an appropriation to pay the claim of the Big Valley Gazette, for advertising the constitutional amendments for the year 1898.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 890 finally passed by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 856—An Act to appropriate the sum of \$350 to pay the claim of Appeal Publishing Company, for money due and owing the said Appeal Publishing Company from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 856 finally passed by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 799—An Act providing for the allowance and payment of the claim of McNab & Cassiday, proprietors of the Petaluma Daily Argus, against the State of California, and making an appropriation therefor.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 799 finally passed by the following vote:

AYES—Senators Braunhart, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 801—An Act providing for the allowance and payment of the claim of the Petaluma Printing Company against the State of California, and making an appropriation therefor.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 801 finally passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 843—An Act to appropriate the sum of \$150 to pay the claim of W. D. Pennycook, for money due and owing the said W. D. Pennycook from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 843 finally passed by the following vote:

AYES—Senators Boyce, Braunhart, Chapman, Currier, Curtin, Doty, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 900—An Act to appropriate the sum of \$175 to pay the claim of Shasta County Democrat, for money due and owing the said Shasta County Democrat from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 900 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Prisk, Sims, Smith, Stratton, Taylor, and Trout—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 918—An Act to appropriate the sum of \$150 to pay the claim of Gonzales Tribune, for money due and owing the said Gonzales Tribune from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 918 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Chapman, Currier, Curtin, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 968—An Act to appropriate the sum of \$150 to pay the claim of Williams Farmer, for money due and owing the said Williams Farmer from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 968 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Chapman, Currier, Curtin, Doty, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 848—An Act to appropriate the sum of \$100 to pay the claim of Events, for money due and owing the said Events from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 848 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, and Stratton—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 934—An Act to appropriate the sum of \$150 to pay the claim of M. F. McFarland, for money due and owing the said M. F. McFarland from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 934 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 974—An Act to appropriate the sum of \$114 to pay the claim of Fullerton Tribune, for money due and owing the said Fullerton Tribune from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 974 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 929—An Act to appropriate the sum of \$150 to pay the claim of the Merced Star, for money due and owing the said Merced Star from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 929 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Chapman, Currier, Curtin, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 969—An Act to appropriate the sum of \$100 to pay the claim of M. C. Dufficy, for money due and owing the said M. C. Dufficy from the State of California.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 969 finally passed by the following vote:

AYES—Senators Braunhart, Burnett, Chapman, Currier, Curtin, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL WITHDRAWN FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Sims, Assembly Bill No. 99—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands—was ordered withdrawn from Committee on Judiciary and placed on file.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Leavitt, his motion to reconsider the vote whereby Assembly Bill No. 393—An Act to secure to native sons and naturalized citizens of the United States the exclusive right to labor on public works in this State—was on a previous day refused passage, was postponed until next legislative day.

PERMISSION TO INTRODUCE BILLS.

Senators Curtin, Burnett, Bulla, Morehouse, La Rue, and Gillette requested that they be granted permission to introduce bills to be known as Senate Bills Nos. 735, 736, 737, 738, 739, and 740.

On this question the roll was called, with the following result:

AYES—Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Stratton, Taylor, and Trout—28.

NOES—None.

Whereupon the President pro tem. announced that the aforementioned Senators, having received the consent of two thirds of the members, as required by Section 2 of Article IV of the Constitution, were each entitled to introduce a bill.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Senator Curtin: Senate Bill No. 735—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 191, 197, 198, and 207 thereof.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Burnett: Senate Bill No. 736—An Act to amend Section 158 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Bulla: Senate Bill No. 737—An Act to amend Section 153

of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Morehouse: Senate Bill No. 738—An Act amending Section 167 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator La Rue: Senate Bill No. 739—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 180 thereof.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Gillette: Senate Bill No. 740—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Davis asked unanimous consent to withdraw Senate Bill No. 525—An Act to amend Sections 649, 658, 659, 660, 661, 950, 952, 953, and 957 of the Code of Civil Procedure, concerning the settlement of bills of exceptions, new trials, and appeals.

Also: Senate Bill No. 467—An Act authorizing the Attorney-General to appoint a competent person to compile and index the opinions of the Attorneys-General of the State of California, and making an appropriation for the payment of such compilation and indexing.

Also: Senate Bill No. 301—An Act entitled an Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

And to substitute therefor on file Assembly Bill No. 742—An Act to amend Section 290 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to articles of incorporation.

Consent granted.

Senate Bills Nos. 525, 467, and 301 withdrawn and ordered stricken from the file, and Assembly Bill No. 742 substituted therefor on file.

SPECIAL ORDER SET.

On motion of Senator Laird, Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California—was made special order for Wednesday, March 15, 1899, to follow special orders previously set for consideration immediately after reading of the Journal.

WITHDRAWAL OF BILLS.

Senator Chapman asked unanimous consent to withdraw Senate Bill No. 55—An Act appointing John Mullan agent of this State to collect from the United States all moneys heretofore paid and which

may also become due this State on account of obligations heretofore assumed by this State for the benefit and "common defense" of the United States, growing out of Indian hostilities in this State and upon the borders thereof, including also all moneys which may become due this State on account of the five per cent of the net proceeds of the sales for cash or otherwise of the public lands made by the United States in this State, and allowing him compensation therefor, in the event of success.

Also: Senate Bill No. 348—An Act to provide for the construction of a free wagon road from Tallac to McKinney's, along the western shore of Lake Tahoe, and making an appropriation therefor.

Also: Senate Bill No. 184—An Act to pay the claim of Thomas Grace against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 185—An Act to pay the claim of Patrick Carroll against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 186—An Act to pay the claim of the Dutch Flat Public School District, and the trustees thereof, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 187—An Act to pay the claim of Mrs. J. Uren against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 188—An Act to pay the claim of the Methodist Episcopal Church of Dutch Flat, California, and the trustees thereof, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act to pay the claim of W. P. Sowden against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 190—An Act to pay the claim of Thomas Flaridon against the State of California, and making an appropriation therefor.

Consent granted.

Senate Bill Nos. 55, 348, 184, 185, 186, 187, 188, 189, and 190 withdrawn and ordered stricken from the file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Davis asked unanimous consent to withdraw Senate Bill No. 281—An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed, approved March 26, 1895—and to substitute therefor on file Senate Bill No. 615—An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Consent granted.

Senate Bill No. 281 withdrawn and ordered stricken from the file, and Senate Bill No. 615 substituted therefor on the file.

WITHDRAWAL OF BILL.

Senator Jones asked unanimous consent to withdraw Senate Bill No. 447—An Act to repeal an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Consent granted.

Senate Bill No. 447 withdrawn and ordered stricken from the file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Davis asked unanimous consent to withdraw Senate Bill No. 529—An Act making an appropriation to pay the claim of John J. Snyder, for costs of suit in foreclosing delinquent purchasers of State school lands—and to substitute therefor on file Assembly Bill No. 581—An Act to provide payment of costs of suit in foreclosing delinquent purchasers of State school lands, and make appropriations therefor.

Consent granted.

Senate Bill No. 529 withdrawn and ordered stricken from the file, and Assembly Bill No. 581 substituted therefor on file.

WITHDRAWAL OF BILL.

Senator Laird asked unanimous consent to withdraw Senate Bill No. 509—An Act to amend Section 339 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced.

Consent granted.

Senate Bill No. 509 withdrawn and ordered stricken from the file.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Gillette moved a reconsideration of the vote whereby Senate Bill No. 52—An Act to establish, ratify, and confirm the north boundary line of Mendocino County, between the counties of Mendocino and Trinity, as the same was surveyed and established by S. H. Rice, between September 1, 1891, and December 18, 1891, to be the true boundary line between the counties of Mendocino and Trinity, State of California—was refused passage:

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Flint, Gillette, Hoey, Jones, Luchsinger, Morehouse, Nutt, Prisk, Smith, Stratton, and Trout—19.

NOES—Senators Laird, Leavitt, Maggard, and Taylor—4.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Leavitt, messages from the Governor were taken up and read, as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 8, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Committee Substitute for Senate Bill No. 277, entitled "An Act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United States volunteer service; also, the expenses incurred in reorganizing the National Guard, and to result therefrom, and making an appropriation to pay the same."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 14, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have appointed Hon. Stephen M. White, of Los Angeles County, Cal., a Regent of the University of California, to fill the vacancy caused by the appointment of Mrs. Phoebe R. Hearst as Regent in place of J. West Martin—the said Hon. Stephen M. White to hold said office (left vacant by Mrs. Hearst's appointment) from and after the adjournment of this thirty-third session of the Legislature, and for and during the unexpired term ending March 1, A. D. 1904; and I respectfully ask your concurrence in said appointment.

HENRY T. GAGE,
Governor of the State of California.

Senator Leavitt moved that the Senate, by unanimous consent, suspend the rules for the purpose of now considering the Governor's appointments above set forth.

Motion carried.

CONSIDERATION OF THE GOVERNOR'S APPOINTMENTS.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Stephen M. White as Regent of the University of California, to fill the vacancy caused by the appointment of Mrs. Phoebe R. Hearst as Regent in place of J. West Martin?"

The roll was called, with the following result:

AYES—Senators Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nütt, Prisk, Stratton, Taylor, and Trout—26.

NOES—None.

Whereupon the President pro tem. declared that the Senate had confirmed the appointment of Stephen M. White as a Regent of the University of California.

Senator Davis moved that Assembly messages be taken up and considered.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 383—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 1007—An Act to define the boundary lines of the several counties, and cities and counties, of the State, and to define the powers and duties of certain officers in relation thereto.

• Also: Assembly Bill No. 1008—An Act to create a Joint Board of Trustees for the Whittier State School and the Preston School of Industry, to define its duties and powers, and to provide for the classification of the inmates therein.

Also: Amended, and passed as amended, Senate Bill No. 177—An Act to add a new section to the Civil Code, to be known as Section 431 thereof, relating to the form of fire insurance policies.

Also: Amended, and passed as amended, Senate Bill No. 282—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Also: Passed Senate Bill No. 206—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children by the erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Amended, and adopted as amended, Senate Joint Resolution No. 19—A resolution as to making upon the Island of Molokai a leper hospital, for the care of all lepers within the United States.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 383 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bill No. 1007 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bill No. 1008 read first time, and referred to Committee on Judiciary.

Senate Bill No. 206 ordered to enrollment.

At nine o'clock and fifteen minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-eighth District, in the chair.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 177?"

Strike out all after the enacting clause and insert as follows:

"SECTION 1. A new section is hereby added to the Civil Code of California, to be known as section four hundred and thirty-three thereof, to read as follows:

"Section 433. On and after the first day of September, eighteen hundred and ninety-nine, no fire insurance company, corporation, or association, its officers or agents, shall make, issue, or use, or deliver for use, any fire insurance policy on property in this State, except warehouse and growing grain policies, other than shall conform, in all particulars, as to blanks, size of type, context, provisions, agreements, and conditions with the printed forms of contract or policy to be filed in the office of the Insurance Commissioner, as provided in four hundred and thirty-four of the Civil Code, and no other or different provision, condition, agreement, or clause shall, in any manner, be made a part of said contract or policy, or be indorsed thereon, or delivered therewith, except as follows, to wit:

"1. The name of the company, its location or place of business, the date of its incorporation or organization, and the State or country under which the same is organized; the amount of paid-up capital stock, whether it is a stock or mutual company, the names of its officers, the number and date of the policy; and if it be issued through a manager or agent of the company, the words, 'This policy shall not be valid until countersigned by the duly authorized manager or agent of the company at ———,' may be printed on policies issued on property in this State.

"2. Printed or written forms of description and specification or schedules of the property covered by any particular policy, and any other matter necessary to clearly express all the facts and conditions of insurance on any particular risk (which facts or conditions shall in no case be inconsistent with, or a waiver of, any of the provisions or conditions of the standard policy provided for herein), may be written upon or attached or appended to any policy issued on property in this State.

"Provided, that a provision may be attached to a policy making loss, if any, payable to a mortgagee or trustee, as his interest may appear, and such provision may contain a waiver of certain conditions of the policy so far as they affect the interest of such mortgagee or trustee.

"3. A company, corporation, or association, organized or incorporated under and in pursuance of the laws of this State, or elsewhere, if entitled to do business in this State, may, with the approval of the Insurance Commissioner, if the same is not already included in the standard form to be filed in the office of said commissioner, as provided for herein, print on its policies any provision which it is required, by law, to insert therein, if such provision is not in conflict with the laws of this State, or of the United States, or of the provisions of the standard form provided herein; but said provision or provisions shall be printed apart from the other provisions, agreements, or conditions of the policy, and in type not smaller than the body of the policy, and under a separate title, as follows: 'Provisions required by law to be stated in this policy,' and be a part of said policy.

"4. There may be indorsed on the outside of any policy herein provided for, the name, with the word 'agent' or 'agents,' and place of business of any insurance agent or agents, either by writing, printing, stamping or otherwise.

"5. Where two or more companies, each entitled to do business in this State, unite to issue a joint policy, there may be expressed in the heading of such policy the fact of the severality of the contract; also, the proportion of premium to be paid to each company, and the proportion of liability which each company agrees to assume, and in the printed

conditions of such policy, the necessary change may be made from the singular to the plural number, when reference is had to the company issuing such policy.

"*Provided*, that any policy made, issued, or delivered, not in conformity with this section, shall, nevertheless, be binding upon the company issuing the same, and such company shall thereafter be disqualified from doing any insurance business in this State.

"SEC. 2. A new section is hereby added to the Civil Code, to be known as section four hundred and thirty-four, to read as follows:

"Section 434. The Insurance Commissioner shall prepare and file in his office, on or before the first of June, eighteen hundred and ninety-nine, a printed form, in blank, of a contract or policy of fire insurance, together with such agreement, provisions, or conditions, as may be indorsed thereon, or added thereto, and form a part of such contract or policy; and such form when so filed shall be known and designated as the 'California standard fire insurance policy,' and such form shall, as near as can be made applicable, conform to the New York standard fire insurance policy, so called and known. Immediately after filing said form of policy in the office of said Insurance Commissioner, he shall have five hundred copies of the same printed, and mail a copy of the same to each company doing a fire insurance business in this State."

Also: Amend the title to read as follows: "Add two new sections to the Civil Code, to be known as Sections 433 and 434 thereof, relating to the form of fire insurance policies."

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the result, Senator Braunhart moved a call of the Senate.

Motion carried.

Time, nine o'clock and thirty-five minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Sims, Taylor, and Trout—27.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and thirty-eight minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Braunhart.

All members present having voted, the acting President declared that the Senate concurred in Assembly amendments by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Currier, Curtin, Doty, Dwyer, Gillette, Hall, Hoey, La Rue, Leavitt, Maggard, Morehouse, Prisk, Rowell, Sims, Smith, Taylor, and Trout—22.

NOES—Senators Boyce, Chapman, Davis, Jones, Laird, Luchsinger, and Nutt—7.

Senate Bill No. 177 ordered to reëngrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, of the Senate's concurrence in the above amendments.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 282?"

Amend by inserting after the word "dollars," in line 3, Section 1, the following: "or so much thereof as may be necessary."

Also: Amend by adding at the end of Section 2 the following: "*provided*, that no expenditures shall be made under the provisions of this Act until the plans therefor have been submitted to and approved by the State Board of Examiners."

Also: Amend Section 4 of the bill by striking out the words "from and after its passage" and inserting in lieu thereof the following: "January first, nineteen hundred."

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Leavitt, Maggard, Morehouse, Prisk, Sims, Taylor, and Trout—23.

NOES—Senator Laird—1.

Senate Bill No. 282 ordered to reëngrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, of the Senate's concurrence in the above amendments.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Joint Resolution No. 19?"

Amend by striking out the word "Governor" and inserting the following: "Secretary of Senate."

Also: Amend by inserting the word "the" before the word "Senate," in line 1, third resolution, so as to make the same read "Secretary of the Senate."

The roll was called, and Assembly amendments to Senate Joint Resolution No. 19 adopted by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Leavitt, Maggard, Morehouse, Prisk, Rowell, Sims, Smith, Taylor, Trout, and Wolfe—26.

NOES—Senator Laird—1.

Senate Joint Resolution No. 19 ordered to reëngrossment and enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Also: Senate Bill No. 336—An Act to amend Section 592 of the Penal Code of the State of California.

Also: Senate Bill No. 487—An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653¹/₂, relating to the fees charged by employment agencies.

Also: Senate Bill No. 146—An Act to amend Sections 1917, 1918, and 1920 of the Civil Code, relating to legal rates of interest.

Also: Amended, and passed as amended, Senate Bill No. 554—An Act to provide for the appointment of a Board of Colton Hall Property, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Also: Amended, and passed as amended, Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selection and return of jurors.

Also: Amended, and passed as amended, Senate Bill No. 363—An Act to amend Section 2022 of the Political Code of California.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 240 ordered to enrollment.

Senate Bill No. 336 ordered to enrollment.

Senate Bill No. 487 ordered to enrollment.

Senate Bill No. 146 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 554?"

Amend the title by striking out the word "property," being the first word of line 2 of title, and inserting in lieu thereof the word "trustees."

Also: Amend by striking out of Section 5, line 1, the words "This Act shall take effect immediately," and inserting the following: "This Act shall take effect from and after January first, nineteen hundred."

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Bettman, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Leavitt, Maggard, Morehouse, Sims, Taylor and Trout—21.

NOES—None.

The Secretary was directed to inform the Assembly, by message, that

the Senate had concurred in the Assembly amendments to Senate Bill No. 554.

Senate Bill No. 554 ordered to reingrossment and enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 202?"

Amend Section 1, printed bill, by inserting after the word "clerk," in line 18, page 2, the following words: "and immediately after said order designating the estimated number of trial jurors shall be made, the Board of Supervisors shall select, as provided in Sections 295 and 296 of this Code a list of persons to serve as trial jurors in the Superior Court of said county during the ensuing year, or until a new list of jurors shall be provided in counties of the first class."

Also: Amend by inserting the words "who has served as such" after the word "juror," in line 11, page 3, printed bill.

Also: Amend by adding to Section 2, page 3, printed bill, the words "when an action is called for trial by a jury the judge of the court must draw from the trial jury-box of the court the ballots containing the names of the jurors until the jury is completed or the ballots exhausted."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 202 by the following vote:

AYES—Senators Braunhart, Burnett, Dwyer, Hall, Hoey, and Maggard—6.

NOES—Senators Ashe, Bettman, Boyce, Bulla, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Feeney, Gillette, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Sims, Smith, Taylor, and Trout—24.

Whereupon, the acting President appointed Senators Braunhart, Morehouse, and Smith as a committee of conference on Senate Bill No. 202, to meet a like committee to be appointed by the Assembly.

The Secretary was directed to inform the Assembly, by message, of the foregoing proceedings.

LEAVE OF ABSENCE.

Senator Hall, on his own motion, was granted a leave of absence for the remainder of the day.

CONSIDERATION OF ASSEMBLY MESSAGES—(RESUMED).

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 363?"

Amend by striking out all of the title after the words "An Act," and inserting in lieu thereof the following: "providing that all encampments of the National Guard shall be held at the State camp of instruction, unless otherwise ordered."

Also: Strike out all of lines 1 and 2, and the figures "2022" in line 3, Section 1, printed bill, and insert in lieu thereof the word and figure "Section 1."

Also: Strike out of line 7, Section 1, printed bill, page 1, the words "except as herein after provided."

Also: In line 8, Section 1, printed bill, put a period after the words "Commander-in-Chief," and strike out all thereafter in said section.

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Smith, Taylor, and Trout—23.

NOES—None.

Senate Bill No. 363 ordered to reingrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, of the above action by the Senate.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 662—An Act to amend Section 1416 of the Civil Code, relative to water rights.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 662?"

Strike out all after the word "rain" in line 7, page 1 of printed bill.

The roll was called, and the Assembly amendment concurred in by the following vote:

AYES—Senators Boyce, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Prisk, Rowell, Sims, Smith, Taylor, and Trout—25.
NOES—None.

Senate Bill No. 662 ordered to reëngrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, of the action of the Senate as set forth above.

BILLS RECALLED FROM ENGROSSMENT FOR THE PURPOSE OF RECONSIDERING AMENDMENTS.

On motion of Senator Dickinson, Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating, and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same—was recalled from engrossment, and ordered on second-reading file for the purpose of reconsidering amendments.

Senator Dickinson moved to reconsider the vote whereby the following amendments to Senate Bill No. 207 were on yesterday adopted:

Amend by inserting the words "or so much thereof as may be necessary," in line 4, Section 2, page 1, printed bill.

Also: Amend by striking out Section 4, page 2, printed bill.

Also: Amend by striking out the figure "5," in line 1, Section 5, and inserting in lieu thereof the figure "4."

Also: Amend by striking out the words "thirty thousand," in line 3, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "eight thousand five hundred."

Also: Amend by striking out Section 2.

Also: Amend by striking out Section 5.

Also: Amend by striking out the figure "3," in line 1, Section 3, page 1, printed bill, and inserting in lieu thereof the figure "2."

Also: Amend by striking out the figure "4," in line 1, Section 4, page 2, printed bill, and inserting in lieu thereof the figure "3."

Also: Amend by striking out the figure "6," in line 1, Section 6, page 2, printed bill, and inserting in lieu thereof the figure "4."

Motion carried.

The question being on the adoption of the foregoing committee amendments, the vote on which was just reconsidered.

The same was put, and the amendments refused adoption.

MOTION TO RECONSIDER.

Senator Dickinson moved to reconsider the vote whereby Senate Bill No. 470—An Act making an appropriation of \$5,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital—was on this day denied second reading.

Motion carried.

Bill ordered on file for second reading.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Boyce, the motion to reconsider the vote whereby Assembly Bill No. 232—An Act authorizing the Secretary of State to appoint a clerk, in addition to the number now allowed by law, to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year—was refused passage, was postponed until next legislative day.

CONSIDERATION OF BILLS OUT OF ORDER.

Senate Bill No. 249—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending Section 3 thereof, relating to the enumeration of the inhabitants of a city or town.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 249 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Nutt, Rowell, Sims, Stratton, Taylor, and Trout—22.

NOES—Senator Boyce—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 365 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Jones, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Sims, Stratton, and Taylor—22.

NOES—Senators Davis, Maggard, and Nutt—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

At ten o'clock and twenty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 4—An Act to create an Exempt Firemen's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and service as firemen of such exempt firemen.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 4 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Flint, Gillette, Hoey, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Taylor, and Trout—21.

NOES—Senators Bulla, Jones, Laird, Sims, and Smith—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 637—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State," as amended by an Act March 29, 1897, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State."

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words in brackets in lines 21, 22, and 23, page 2, printed bill, and inserting in lieu thereof the following: "in the event of a vacancy in said committee on retirement, the Superintendent of Schools shall appoint another qualified person to fill said vacancy, who shall constitute a member of said committee on retirement until the next annual election."

Amendment adopted.

Also: Amend by striking out the word "for" in line 74, page 4, printed bill, and inserting in lieu thereof the word "from."

Amendment adopted.

Also: Amend by adding after the word "teachers," in line 11, page 6, printed bill, the words "annuity and."

Amendment adopted.

Also: Amend by striking out the letter "s" in "Boards of Education," in line 26, page 6, printed bill.

Amendment adopted.

Also: Amend by adding after the word "teachers," in line 6, page 2, printed bill, the words "annuity and."

Amendment adopted.

Also: Amend by striking out the word "amended," in line 2, page 8, printed bill, and inserting in lieu thereof the word "repealed."

Amendment adopted.

The following amendment was offered by Senator Dwyer:

Amend by striking out the word "the" before the word "Senate," in the enacting clause.

Amendment adopted.

Bill read second time, ordered to print and third reading.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS.

On motion of Senator Bulla, the special file of appropriation and claims bills was taken up and considered.

Senate Bill No. 455—An Act making an appropriation to pay the claim of D. L. Blanchard, for supplying provisions to a company of United States cavalry known as Captain Ramon Pico's Company, during the War of the Rebellion, for \$1,587.

The question being, "Shall the bill be read second time?"

The same was put and lost.

Senate Bill No. 455 ordered stricken from the file.

Senate Bill No. 465—An Act to pay the claim of William Henry Murray against the State of California, and appropriating money therefor.

Read second time and ordered to engrossment.

Senate Bill No. 479—An Act to pay the claim of Frank D. Cobb against the State of California, and making an appropriation therefor.

Passed on file.

Senate Bill No. 500—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.

Passed on file.

Senate Bill No. 544—An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor; and to prescribe the punishment for a violation of the game laws of this State."

Passed on file.

Senate Bill No. 552—An Act to appropriate the sum of \$25,000 to pay the claim of Claus Spreckels, for money due and owing to the said Claus Spreckels from the State of California.

Passed on file.

Senate Bill No. 612—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture as instructress and silk expert.

Read second time, and ordered to engrossment.

Senate Bill No. 245—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words and figures "ten thousand (10,000)," in line 1, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "two thousand five hundred (2,500)."

Amendment adopted.

Also: Amend by striking out the words and figures "ten thousand (10,000)," in line 3, Section 2, page 1, printed bill.

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 196—An Act making an appropriation to pay the claim of Olive R. Chapman, arising upon a judgment recovered against the State of California, in the Superior Court of the City and County of San Francisco, on August 8, 1895.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "State Treasury not otherwise appropriated," in lines 3 and 4, Section 1, printed bill, and inserting in lieu thereof the following: "San Francisco Harbor Improvement Fund."

Amendment adopted.

Also: Amend by striking out the words "and the Treasurer is directed to pay the same out of the appropriation made by this Act," in lines 6 and 7, Section 2, printed bill, and inserting in lieu thereof the following: "and that said warrant be made payable out of the San Francisco Harbor Improvement Fund."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 547—An Act making an appropriation to pay the claim of J. E. Edson—and substitute therefor on file Assembly Bill No. 733.

Consent granted.

Senate Bill No. 547 withdrawn and ordered stricken from the file, and Assembly Bill No. 733 substituted therefor on the file.

Assembly Bill No. 733—An Act making an appropriation to pay the claim of J. E. Edson.

During the second reading of bill, the following amendment was offered by Senator Morehouse:

Amend the title by striking out the word "the," before the word "Senate," in the title.

Amendment adopted.

Bill read second time, ordered to print and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 996—An Act making an appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DICKINSON, Chairman.

Assembly Bill No. 996 ordered on special file of Assembly bills for second reading.

MOTION.

Senator Dickinson moved to take up Assembly Bill No. 996 for consideration.

So ordered.

Assembly Bill No. 996—An Act making an appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "fifteen," in line 128, page 4, printed bill, and inserting in lieu thereof the word "ten."

Amendment adopted.

By Senator Dickinson:

Amend by striking out of lines 266 and 267 the words "one thousand two hundred," and inserting the following: "two thousand four hundred."

Amendment adopted.

By the committee:

Amend by striking out the word "two," in line 342, page 10, printed bill, and inserting in lieu thereof the word "one."

Amendment adopted.

Also: Amend by inserting the following: "Pay of porter to Commissioners for Revision and Reform of the Law, four hundred and eighty dollars," between lines 373 and 374 of page 11, printed bill.

Amendment adopted.

Also: Amend by inserting the following: "For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to Commissioners for Revision and Reform of the Law, five thousand dollars," between lines 376 and 377 of page 11, printed bill.

Amendment adopted.

By Senator Nutt:

Amend by striking out of line 378 the word "fifty," and inserting the words "one thousand."

Amendment adopted.

By Senator Dickinson:

Amend by striking out of line 262 the words "one hundred and sixty-one thousand six hundred," and inserting "one hundred and seventy-seven thousand five hundred."

Amendment adopted.

Also: Amend by striking out all of lines 272 and 273.

Amendment adopted.

By the committee:

Amend by striking out the word "nine," in line 397, page 12, printed bill, and inserting in lieu thereof the word "four."

Amendment adopted.

By Senator La Rue:

Amend by striking out of Section 1, line 406, the words "and eighty-three thousand three hundred dollars," and inserting the following: "and ninety thousand and five hundred dollars."

Amendment adopted.

By the committee:

Amend by striking out the word "seven," in line 430, page 12, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

Also: Amend by striking out lines 457 and 458, page 13, printed bill.

Amendment adopted.

Also: Amend by striking out the word "five," in line 491, page 14, printed bill, and inserting in lieu thereof the word "four."

Amendment adopted.

Also: Amend by striking out the words "five thousand," in line 554, page 16, printed bill, and inserting in lieu thereof the words "and twenty-five hundred."

Amendment adopted.

Also: Amend by inserting the following: "For support of the State Dairy Bureau, five thousand dollars," between lines 603 and 604, page 17, printed bill.

Amendment adopted.

Also: Amend by striking out the words "four hundred and fifty," in lines 612 and 613, page 17, printed bill.

Amendment adopted.

Also: Amend by striking out the words "two hundred and forty-five," in line 616, page 17, printed bill, and inserting in lieu thereof the following: "four hundred."

Amendment adopted.

Also: Amend by striking out the words "thirty-five," in line 622, page 18, printed bill, and inserting in lieu thereof the following: "one hundred."

Amendment adopted.

By Senator Nutt:

Amend by striking out of page 18, line 625, the words "thirty five," and inserting the following: "two hundred."

Amendment adopted.

By the committee:

Amend by striking out the words "five hundred," in line 638, page 18, printed bill, and inserting in lieu thereof the following: "one thousand."

Amendment adopted.

By Senator Smith:

Amend by striking out of Section 1, line 599, the words "six hundred."

Amendment adopted.

By the committee:

Amend by inserting the following: "For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the Guardian of Sutter's Fort, seventeen dollars and fifty cents ' between lines 657 and 658, page 19, printed bill.

Amendment adopted.

By Senator Morehouse:

Amend by striking out of Section 1, line 662, the word "thirty," and inserting the following: "twenty."

Amendment adopted.

By Senator Leavitt:

Amend Section 1, line 668, by inserting after the word "poolselling" the words "and bookmaking."

Amendment adopted.

By Senator Smith:

Amend by striking out of Section 1, all of lines 675 to 774, both inclusive.

Amendment lost.

Also: Amend by inserting in line 771, after the word "poolselling," the words "and bookmaking."

Amendment adopted.

By Senator Chapman:

Amend by striking out of Section 1, line 714, the word "two" and inserting the word "six."

Amendment lost.

By Senator Bulla:

Amend by striking out of Section 1, line 770, the words "*and provided further, that,*" and all of lines 771 and 772, to and including the word "hereby."

Amendment adopted.

Also: Amend by inserting after line 762, page 21, printed bill, the following: "It is hereby provided that any district agricultural society may use the whole amount hereby appropriated for one fair; but, if it be so used, the said fair must be held during the fifty-second fiscal year."

Amendment adopted.

Bill read second time, ordered to print and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON HOSPITALS, HEALTH, AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: Your Committee on Hospitals, Health, and Quarantine, to whom was referred Assembly Bill No. 414—An Act entitled an Act to amend Section 3009 of the Political Code, relating to the appointment of officers and employes by the San Francisco Board of Health—have had the same under consideration, and respectfully report the same back with amendment, but without further recommendation.

ROWELL, Chairman.

Assembly Bill No. 414 ordered on special file of Assembly bills for second reading.

ADJOURNMENT.

At eleven o'clock and fifty-seven minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until nine o'clock and thirty minutes A. M. of Wednesday, March 15, 1899.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 15, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Langford, La Rue, Leavitt, Luch-singer, Maggard, Nutt, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—27.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Tuesday, March 14, 1899, was read.

The Journal of Saturday, March 11, 1899, was approved.

COMMUNICATION.

The following communication was presented by Senator Flint, and was read and ordered printed in the Journal:

SOCIETY OF AMERICAN AUTHORS, No. 71 BROADWAY, }
NEW YORK, February 23, 1899. }

The following preamble and resolutions were unanimously adopted by the Society of American Authors, at its annual meeting held at the Hotel Windsor, New York City, on the eighth day of February, 1899:

WHEREAS, The fourteenth day of next December marks the completion of one hundred years since the death of George Washington; and

WHEREAS, The Society of American Authors recognizes the importance of giving special emphasis to such a centennial; therefore, be it

Resolved by the society in annual meeting assembled, That a fit recognition of the occasion would be the legal cessation of all avoidable labor for that day, in order that the nation may be free to do honor to the memory of one whose life and acts and patriotism have in large measure rendered possible the progress, the strength, and the political freedom of the United States; be it also

Resolved, That the society extends its hearty approval to the plan of the George Washington Memorial Association, to lay the corner-stone of the National University in the City of Washington on December 14th next; be it further

Resolved, That the secretary of the society forward a copy of this preamble and resolution to the President of the United States, the Vice-President, the Speaker of the House, the Governors of Alabama, Alaska, Georgia, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Ohio, Vermont, and Virginia; and to the President of the Senate and the Speaker of the House in each of the States where a Legislature is now in session.

Moved by G. Grosvenor Dawe; seconded by Mrs. T. St. John Gaffney.

[SEAL.]

Attest: JOHN BEVERLY ROBINSON, Secretary.

RESOLUTIONS.

The following resolutions were offered:

By Senator Shortridge:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-third session, embracing a history of all bills introduced, their authors, the number that have become laws, those that have been read the second readings, and all other information that will create a perfect guide and history of the session's business.

Together with this shall be the expenses of the Senate and the Assembly, and of printing, such information being prepared not only for the public, but as a guide for the thirty-fourth session of the Legislature. For the purpose of carrying out this work the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of F. J. Brandon, \$50 of which is to pay the postage and expenses in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Carrier:

Resolved, That E. F. Mitchell, Minute Clerk, and D. G. Holt and C. S. MacMullan, as assistants, be and are hereby employed to remain in Sacramento after final adjournment, and to properly paste together, arrange, and label the original minutes, which must be filed with the Secretary of State, and that for such services each is allowed the sum of \$100, payable out of the Contingent Fund of the Senate. The Controller is directed to draw his warrant for and the Treasurer to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 15, 1899

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

WHEREAS, The Secretary of the Senate was authorized to have engrossed the resolutions in memory of the late Hon. Romualdo Pacheco, adopted January 28, 1899, and the Hon. John Boggs, as adopted February 3, 1899; therefore, be it

Resolved, That the sum of \$300 be appropriated from the Contingent Fund of the Senate in favor of A. A. Friedlander for engrossing and framing said resolutions, and the Controller is ordered to draw his warrant and the Treasurer is instructed and ordered to pay the same.

Have had the same under consideration, and respectfully recommend the adoption of the following resolution:

Resolved, That the sum of \$100 be appropriated from the Contingent Fund of the Senate in favor of A. A. Friedlander (for engrossing and framing said resolutions), and the Controller is ordered to draw his warrant, and the Treasurer is instructed and ordered to pay the same.

FLINT, Chairman.

The question being on the adoption of the report and resolution as amended by committee.

The roll was called, and the report and amended resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Chapman, Carrier, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Langford, La Rue, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant for the sum of \$78 28 in favor of the Sergeant-at-Arms of the Senate, in payment of sundry bills hereto attached, and the Treasurer is directed to pay the same, the same payable out of the Contingent Fund of the Senate.

The Senate of the State of California, Dr.:

1899.	
Mar. 4—To John Breuner, sundries.....	\$4 75
Mar. 1—Sunset Telephone and Telegraph Co., rentals month ending	
March 31.....	7 00
Mar. 9—Mrs. Magee, washing towels.....	10 00
Mar. 8—Day & Joy, one Page badge No. 7.....	1 00
Mar. 10—Hale Bros. & Co., sundries.....	88

Carried forward.....\$23 63

Brought forward	\$23 63
Mar. 10—F. R. Pulford, sundries.....	10 25
Mar. 7—F. M. Jones, rent of four typewriters.....	20 00
Feb. 28—Wyckoff, Seamans & Benedict, rent of typewriter.....	7 50
Mar. 31—Pacific Postal Telegraph Cable Company, to Conrad Diele, Mayor of Buffalo	2 65
Dec. 31—Wyckoff, Seamans & Benedict, half month's rent of typewriter, cabinet, and chair	3 75
Jan. 31—Wyckoff, Seamans & Benedict, one month's rent of typewriter, cabinet, and chair	7 50
Feb. 12—Wyckoff, Seamans & Benedict, month's rent of 3 A. O. tables.....	3 00
Total	\$78 28

FLINT, Chairman.

The question being on the adoption of the above resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Chapman, Dickinson, Doty, Feeoney, Flint, Hall, Hoey, Jones, Langford, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—20.

NOES—Senator Davis—1.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 447—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by repealing Section 11½ thereof, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water, approved March 2, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 99—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 234—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgment.

Also: Assembly Constitutional Amendment No. 24—Relative to lands and improvements thereon, be exempt from taxation for State purposes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

GILLETTE, Chairman.

Assembly Bills Nos. 447, 99, and 234 ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Constitutional Amendment No. 24 ordered on special file of Assembly bills.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 228—An Act appropriating \$45,000 to complete one wing of and equip the building now being constructed for the use of the State Normal School at San Diego, California.

Also: Senate Bill No. 731—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 64½, relating to elections, by providing for the punishment of offenses at primary elections.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 14th day of March, 1899, at three o'clock P. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: You Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 119—An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum.

Senate Bill No. 208—An Act to provide additional accommodations for inmates at the California Home for the Care and Training of Feeble-Minded Children by the erection of cottages for epileptic, paralytic, and feeble-minded persons, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Have examined and found correctly reengrossed Senate Bill No. 301—An Act

entitled an Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

JONES, Chairman.

Senate Bills Nos. 119 and 208 ordered on file for third reading.

Senate Bill No. 301 was on yesterday withdrawn by the author.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Senate Bill No. 734—An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the Controller and Treasurer to transfer the amount herein appropriated from the General Fund to said Adult Blind Fund—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DICKINSON, Chairman.

Senate Bill No. 734 ordered on special file of appropriation and claims bills for second reading.

RESOLUTION—(OUT OF ORDER).

By Senator Braunhart:

Resolved, That the Secretary of State be and he is hereby instructed to furnish each Senator and the Secretary with a set of Constitutional Debates.

Resolution read and adopted.

MOTION.

On motion of Senator Leavitt, Assembly Bill No. 38 was taken up for the purpose of amendment.

Assembly Bill No. 38—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 of said Act, relating to and providing for the government of counties of the third class.

During the second reading of bill, the following amendments were offered by Senator Leavitt:

Amend by striking out of subdivision 7 of Section 1, page 5, line 134, printed bill, the words "twenty-four hundred dollars per annum," and inserting in lieu thereof the following: "eighteen hundred dollars per annum, and the further sum of six hundred dollars per annum."

Amendment adopted.

Also: Amend by striking out of subdivision 8, Section 1, page 7, line 217, printed bill the words "one clerk," and inserting in lieu thereof the words "one chief clerk."

Amendment adopted.

Also: Amend subdivision 11, Section 1, page 8, line 237, printed bill, by adding after the word "schools" the following: "*provided further*, that the Superintendent of Schools shall be allowed his actual expenses for transportation, while in the discharge of his duties as Superintendent of Schools, and that he shall file a verified statement showing such actual expenses of transportation."

Amendment adopted.

Also: Amend by adding a new section, which shall read as follows:

"SEC. 2. This Act shall take effect immediately."

Amendment adopted.

Also: Amend subdivision 9, Section 1, page 7, line 228, printed bill, by inserting after the word "law" the following: "*provided*, that in counties of this class the Coroner shall have the right to employ a clerk or stenographer without the consent of the District Attorney, for the purpose of reducing to writing, under his direction, the testimony and the depositions of all witnesses that he may call in any inquest proceedings."

Amendment adopted.

Bill read second time, ordered to print and third reading.

MOTIONS.

Senator Dickinson moved to recall Assembly Bill No. 996 from print for purpose of amendment.

So ordered.

Bill recalled and ordered on file.

Assembly Bill No. 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years.

The bill being still on second reading, the following amendment was offered by Senator Dickinson:

Amend by striking out all of line 262 and inserting the following: "one hundred and eighty-six thousand dollars."

Amendment adopted.

Bill ordered to print and on file for third reading.

On motion of Senator Bulla, Assembly Bills Nos. 383, 1007, and 1008, received from the Assembly on yesterday, were ordered on special file of Assembly bills, without reference to committee.

RESOLUTION—(OUT OF ORDER).

By Senator Smith:

Resolved, That W. F. Mixon, Journal Clerk of the Senate, and E. H. Healey and Frank H. McConnell, his assistants, be and they are hereby employed after the final adjournment of the thirty-third session of the Legislature of the State of California, for the purpose of completing the work devolving upon them as Journal Clerks of the Senate, in comparing and delivering the corrected and approved Journals and the five bound copies of the same (as required by law) to the Secretary of the Senate, when completed, and that they each be allowed the sum of \$50 from and after the final adjournment of the thirty-third session of the Legislature, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Simpson, messages from the Governor were taken up and read, as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 15, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 127—Entitled "An Act to abolish commissions or fees paid by the State for the assessment, equalization, auditing, and collection of ad valorem taxes."

HENRY T. GAGE,
Governor of the State of California.

Referred to Committee on Executive Communications and Nominations.

Also :

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 15, 1899. }

To the Senate of the State of California:

I herewith return to your honorable body, without my approval, Senate Bill No. 165, with my objections thereto.

This bill provides for the payment of \$1,000 to William M. Sullivan, in payment of a claim against the State, and directs the Controller to draw his warrant in favor of said claimant, and further providing that the Act shall take effect from and after January 1, 1900.

Upon an examination of the claim, I find that it is for personal injuries sustained by Mr. Sullivan from the discharge of a firearm of a soldier of the National Guard on July

4, 1894, while Mr. Sullivan was serving as Captain of Company D, Third Infantry, N. G. C., at the time of the strike. From the facts before me, it clearly appears that there is no legal claim against the State for such injuries; and to appropriate the money named in this bill would be to make a gift, which is in direct contravention of Section 31 of Article IV of the Constitution of the State. [See also *Bourn vs. Hart*, 93 Cal., p. 328.]

While I regret the misfortune of Mr. Sullivan, my duty compels me to disapprove of this bill.

HENRY T. GAGE,
Governor of the State of California.

Referred to Committee on Executive Communications and Nominations.

PERMISSION TO INTRODUCE BILLS.

Senators Nutt, Maggard, and Langford requested that they be granted permission to introduce bills, to be known as Senate Bills Nos. 741, 742, 743, 744, 745, 746, and 747.

On this question the roll was called, with the following result:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—32.

NOES—None.

Whereupon the President pro tem. announced that the aforementioned Senators, having received the consent of two thirds of the members, as required by Section 2 of Article IV of the Constitution, were entitled to introduce bills.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Senator Nutt: Senate Bill No. 741—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Maggard: Senate Bill No. 742—An Act amending Section 193 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Langford: Senate Bill No. 743—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Boyce: Senate Bill No. 744—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 179 of said Act, relating to counties of the twenty-second class.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Cutter: Senate Bill No. 745—An Act to amend Section 194 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

Also: Senate Bill No. 746—An Act to amend Section 201 of an Act

entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

Also: Senate Bill No. 747—An Act to amend Section 181 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read first time, and ordered on file for second reading, without reference to committee.

MOTION.

Senator Braunhart moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 558—An Act making an appropriation for a concrete floor in the basement of the State Capitol, and for ventilating said basement, and requiring that the work be done under the direction of the Secretary of State.

Also: Assembly Bill No. 627—An Act to amend Section 876 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 424—An Act to provide for the construction of a building for library purposes and additional classrooms at the State Normal School at San José, and to provide for furnishing, equipment, and heating and ventilation apparatus thereof, and making appropriation for the same.

Also: Assembly Bill No. 180—An Act to provide aid for the use and support of high schools in the State of California, by the levy of a rate of taxation; the creation of a fund therefor; defining the duties of the Superintendent of Public Instruction and other officers concerning such schools, and the disbursement of moneys provided by this Act and prescribing conditions upon which the same will be paid for the use and support of such schools.

Also: Assembly Bill No. 237—An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used.

Also: Assembly Bill No. 757—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 21, 1872, by adding a new section thereto, to be known as Section 653½.

Also: Assembly Bill No. 314—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Hartley R. Hodgson, N. G. C.

Also: Assembly Bill No. 892—An Act to provide for the appointment of an unsalaried commission to investigate and report upon methods for the preservation of forests in this State.

Also: Assembly Bill No. 825—An Act to provide for the organization and management of livestock insurance companies.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 558 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 627 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 424 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 180 read first time, and referred to Committee on Education and Public Morals.

Assembly Bill No. 237 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 757 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 314 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 892 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 825 read first time, and referred to Committee on Corporations.

BILL ORDERED ON FILE.

On motion of Senator Davis, Assembly Bill No. 372—An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the county from which the children are committed—was ordered on file.

RESOLUTIONS—(OUT OF ORDER).

By Senator Simpson:

Resolved, That the pay of official stenographer to the Senate be allowed N. B. Andrews, from January 2, 1899, to and including January 30, 1899, for services rendered the Senate, and the same made payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

Resolved, That the pay of official stenographer to the Senate be allowed A. C. Busteede, from January 2, 1899, to and including January 30, 1899, for services rendered the Senate, the same made payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

WITHDRAWAL OF BILLS.

Senator Hoey asked unanimous consent to withdraw Senate Bill No. 214—An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used.

Consent granted.

Senator La Rue asked unanimous consent to withdraw Senate Bill No. 303—An Act relating to the disposition of moneys belonging to deceased inmates of public institutions supported in whole or in part by State aid and under the control of boards appointed by the Governor.

Consent granted.

Also: Senate Bill No. 44—An Act entitled "An Act to amend an Act to prevent sheep and goats being herded or running at large in certain portions of Lake County."

Consent granted.

Also: Senate Bill No. 304—An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase to the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1892, reducing the amount of such appropriation per capita.

Consent granted.

Also: Senate Bill No. 305—An Act to amend Sections 8 and 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897.

Consent granted.

Senate Bills Nos. 214, 303, 44, 304, and 305 withdrawn and ordered stricken from the file.

MOTION.

Senator Dickinson moved that Assembly Bill No. 283 be taken up and considered.

So ordered.

Assembly Bill No. 283—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 283 finally passed by the following vote:

AYES—Senators Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Dwyer, Gillette, Hoey, Jones, La Rue, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, and Stratton—21.

NOES—Senator Hall—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

By Senator Jones:

Resolved, That the several amounts set opposite the following-named persons be and the same are hereby appropriated out of the Contingent Fund of the Senate for the purpose of paying for labor performed and services rendered by the different named persons as Porters of the Senate. The Controller of State is hereby authorized to draw his warrant in the several amounts, and the Treasurer is directed to pay the same.

Steve Truit, February 1 to March 18, 46 days, at \$3 per day	\$138 00
E. Cowan, February 1 to March 18, 46 days, at \$3 per day	134 00
G. E. Carter, February 1 to March 18, 46 days, at \$3 per day	138 00

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Maggard:

Resolved, That the sum of \$66 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to I. M. Terrill for services rendered as Porter, Gatekeeper, and Watchman for twenty-two days' services. The Controller of State is hereby authorized to draw his warrant for the above amount, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS.

On motion of Senator Dickinson, the special file of appropriation and claims bills was taken up and considered.

Senate Bill No. 119—An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 119 passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Doty, Dwyer, Flint, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, and Stratton—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 150—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out all of Section 1, from and after the word "of," in line 1, page 1, printed bill, and inserting in lieu thereof the following: "thirty thousand (\$30,000) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the Trustees of the Whittier State School, at Whittier, to be apportioned and by them expended as follows: For the construction and erection of trades buildings upon the lands belonging to the State at Whittier, and furnishing and equipping the same, twenty thousand (\$20,000) dollars; for erecting, equipping, and furnishing a hospital building on said grounds, five thousand (\$5,000) dollars; for constructing and equipping bathrooms for the use of the girls at said school, one thousand (\$1,000) dollars; and for the rental and purchase of water and repairing the reservoir and pipe-lines at said school, four thousand (\$4,000) dollars; *provided*, that all contracts for work to be performed or materials furnished for the construction of buildings and their equipping under the provisions of this Act shall, before being entered into, be approved by the State Board of Examiners; *provided furthermore*, that of the said sum of thirty thousand dollars hereinbefore appropriated, four thousand dollars, to be used for the rental and purchase of water and the repairing of the reservoir and pipe-lines, shall become immediately available, and the remaining part of said appropriation of thirty thousand dollars, or twenty-six thousand dollars, shall not be used and become available until on and after the first day of January, A. D. nineteen hundred."

Amendment adopted.

Also: Amend by striking out the words "its passage," in line 2, Section 3, page 2, printed bill, and inserting in lieu thereof the following: "the first day of January, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 157—An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses incident and relating thereto, and provide for managing the same for the transfer of prisoners thereto and government of the inmates thereof.

The question being, "Shall the bill be read second time?"

The same was put and lost.

Senate Bill No. 157 ordered stricken from the file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 383—An Act to provide for the construction of a building for library purposes and additional classrooms at the State Normal School at San José, and to provide for furnishing, equipment, and heating and

confusion expensive thereby and making appropriation for the same— and to appropriate thereby to the Assembly Bill No. 474.

Consent granted.

Senate Bill No. 385 withdrawn and ordered stricken from the file and Assembly Bill No. 474 recommitted thereby to the file.

SENATE FILE OF APPROPRIATIONS AND PLANS BILLS—(1888-89)

Assembly Bill No. 474—An Act to provide for the construction of a building for library purposes and additional classrooms at the State Normal School in San Jose and to provide for furnishing equipment, heating and ventilation apparatus thereby and making appropriation for the same.

Read second time and ordered to third reading.

Senate Bill No. 475—An Act authorizing the Superintendent of Public Instruction to purchase necessary movable filing and book cases, and to reimburse and repair the same, and making an appropriation thereby.

During the second reading of this the following amendments were submitted by the committee:

Amend. to be inserted after the word "chapter" in line 1, Section 1, page 1, printed all the following: "supplies, fixtures, and all other requisites and"

Amendment adopted.

Amend. moved to strike out in line 1 after the word "cases" and insert the word "and including the word "chairs," Section 1, page 1, printed all.

Amendment adopted.

Amend. moved to strike out in line 1, Section 1, page 1, printed all the words "the school" and inserting in lieu thereof the following: "wherein the student"

Amendment adopted.

Amend. moved to strike out Section 4.

Amendment adopted.

Amend. moved to strike out the word "and" after the word "Section" in line 1, Section 1, page 1, printed all, and inserting in lieu thereof the words "the" and

Amendment adopted.

Amend. moved to strike out the word "immediately" in line 1, Section 1, page 1, printed all, and inserting in lieu thereof the following: "immediately after the school session."

Amendment adopted.

Bill read second time, referred to print and engrossment.

Senate Bill No. 386—An Act to create a State Board of Control, and to provide for the management and control of the charitable, reformatory, and penal institutions of the State, other than State prisons, and to provide for supervisory powers over said State institutions, and to make an appropriation thereby, and for the defining of certain officers, and providing penalties thereby.

Passed to file.

Senate Bill No. 387—An Act authorizing the Governor to order the transfer to the General Fund of any moneys that may be in other funds of the State Treasury, and the return thereof to each fund.

Read second time, and ordered to engrossment.

Senate Bill No. 476—An Act to pay the salary of Louis Corbett, agent of the State of California, and making an appropriation thereby. The question being: "Shall the bill be read second time?"

The same was put and lost.

Senate Bill No. 477 ordered stricken from the file.

Senate Bill No. 479—An Act to pay the claim of Frank D. Cobb against the State of California, and making an appropriation therefor.
Passed on file.

Senate Bill No. 500—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.
Read second time, and ordered to engrossment.

WITHDRAWAL OF BILL.

Senator Doty asked unanimous consent to withdraw Senate Bill No. 544—An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor, and to prescribe the punishment for a violation of the game laws of the State."
Consent granted.

Senate Bill No. 544 withdrawn and ordered stricken from file.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS—(RESUMED).

Senate Bill No. 552—An Act to appropriate the sum of \$25,000 to pay the claim of Claus Spreckels, for money due and owing to the said Claus Spreckels from the State of California.

Passed on file.

Senate Bill No. 271—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

During the second reading of bill, the following amendment was offered by Senator Dickinson:

Amend by striking out of Section 2, line 1, page 1, printed bill, the word "immediately," and inserting the following: "on the first day of January, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 351—An Act to repay and reimburse John C. Pelton for money expended and for services employed in establishing the first free public school in the State of California, and providing an appropriation therefor—and to substitute therefor on file Assembly Bill No. 455.

Senate Bill No. 351 withdrawn and ordered stricken from the file, and Assembly Bill No. 455 substituted therefor on file.

RESOLUTION—(OUT OF ORDER).

By Senator Boyce:

Resolved, That Frank D. Springer be and he is hereby allowed the sum of \$35 for services rendered as Page from February 4 to February 28, 1899, inclusive, and the Controller is directed to draw his warrant on the Contingent Fund of the Senate in his favor therefor, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS—(RESUMED).

Assembly Bill No. 455—An Act to repay and reimburse John C. Pelton for money expended and for services rendered in establishing the first free public school in the State of California.

Read second time, and ordered to third reading.

Senate Bill No. 396—An Act making an appropriation to pay the claim of D. E. O'Keefe, for publishing summons in foreclosing interest of delinquent purchasers of State school lands.

Read second time, and ordered to engrossment.

Senate Bill No. 622—An Act making an appropriation to pay the contingent expenses of the Commission for the Revision and Reform of the Law for the forty-eighth, forty-ninth, and fiftieth fiscal years.

During the second reading of bill, the following amendment was offered by Senator Bulla:

Amend by striking out of Section 3, line 1, the figure "2," and inserting in lieu thereof the figure "3."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

Senate Bill No. 623—An Act to appropriate the sum of \$81 18 to pay the claim of C. A. Williams, for money due and owing to the said C. A. Williams from the State of California.

Read second time, and ordered to engrossment.

Senate Bill No. 624—An Act to appropriate the sum of \$200 to pay the claim of Scott Calhoun, for money due and owing the said Scott Calhoun from the State of California.

Read second time, and ordered to engrossment.

Senate Bill No. 625—An Act to appropriate the sum of \$21 50 to pay the claim of M. G. Barrett, for money due and owing the said M. G. Barrett from the State of California.

Read second time, and ordered to engrossment.

Senate Bill No. 395—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Passed on file.

Senate Bill No. 397—An Act to amend Section 1759 of the School Law of California.

Read second time, and passed temporarily on file.

Senate Bill No. 432—An Act to regulate the use of meters used for the purpose of measuring water by persons or corporations disbursing the same for sale.

Passed on file.

Senate Bill No. 398—An Act to amend Section 5 of an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891.

Read second time, and ordered to engrossment.

WITHDRAWAL OF BILLS.

Senator Doty asked unanimous consent to withdraw Senate Bill No. 13—An Act to provide for the construction of a sewerage system at the State Prison at Folsom, and to make an appropriation therefor.

Consent granted.

Senate Bill No. 13 withdrawn and ordered stricken from the file.

Senator Stratton asked unanimous consent to withdraw Senate Bill No. 197—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund.

Consent granted.

Senate Bill No. 197 withdrawn and ordered stricken from the file.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS—(RESUMED).

Senate Bill No. 512—An Act to provide for the government of the State Normal School in this State.

On motion of Senator Boyce, the above bill was ordered stricken from the file.

Senate Bill No. 724—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Clerk of the Supreme Court."

Read second time, and ordered to engrossment.

Senate Bill No. 725—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California," and providing for the appointment of a chief deputy clerk and five deputy clerks of the Clerk of the Supreme Court.

Read second time, and ordered to engrossment.

Senate Bill No. 208—An Act to provide additional accommodations for inmates at the California Home for the Care and Training of Feeble-Minded Children by the erection of cottages for epileptic, paralytic, and feeble-minded persons, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 208 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dwyer, Flint, Gillette, Hoey, Langford, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shorffridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 581—An Act to provide payment of costs of suit in foreclosing delinquent purchasers of State school lands, and make appropriations therefor.

During the second reading of bill, the following amendments were offered by Senator Davis:

Amend by striking out of Section 1, line 35, the dashes "— —," and inserting the following: "J. J. Snyder, one hundred and seventy-two and fifty-nine one hundredths dollars."

Amendment adopted.

Also: Amend by striking out of Section 1, lines 1 and 2, the words "four thousand one hundred and fifty-two and ninety-eight," and inserting the following: "four thousand three hundred and twenty-eight and fifty-seven."

Amendment adopted.

Bill read second time, ordered to print and third reading.

At eleven o'clock and forty minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth District, in the chair.

Senate Bill No. 445—An Act making an appropriation to pay for concrete floor in basement of the State Capitol, and for ventilating said basement, and requiring that the work be done under the direction of the Secretary of State.

Passed on file.

Senate Bill No. 459—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Passed on file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Dickinson asked unanimous consent to withdraw Senate Bill No. 612—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture as instructress and silk expert—and to substitute therefor on file Assembly Bill No. 756.

Consent granted.

Senate Bill No. 612 withdrawn and ordered stricken from the file, and Assembly Bill No. 756 substituted therefor on the file.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS—(RESUMED).

Assembly Bill No. 756—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture as instructress and silk expert.

Read second time, and ordered to third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly reengrossed: Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges, and making an appropriation therefor.

Also: Have examined and found the following bills correctly engrossed:

Substitute for Senate Bill No. 422—An Act appropriating money for the repair and improvement of the buildings and grounds at the Industrial Home of Mechanical Trades for the Adult Blind.

Senate Bill No. 445—An Act making an appropriation to pay for concrete floor in basement of the State Capitol, and for ventilating said basement, and requiring that the work be done under the direction of the Secretary of State.

Senate Bill No. 459—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Senate Bill No. 472—An Act to provide for the appointment of a commissioner to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a reformatory for the confinement and reformation of prison convicts; to select and secure a site and submit sketch plans and specifications therefor; to investigate and report upon the feasibility of the sale of the property belonging to the State at San Quentin, and of segregating the prisoners into classes, looking to the confinement of incorrigibles at Folsom Prison, to enlarge said prison for that purpose, and to the confinement of those capable of reformation at such reformatory when established, and to make an appropriation for such purposes.

Senate Bill No. 700—An Act to appropriate \$1,125 to pay the unpaid salary of the late Dennis Spencer as Attorney for the State Board of Health and the Board of Health of

the City and County of San Francisco from July 15, 1895, until and including November 30, 1895.

Senate Bill No. 712—An Act to appropriate the sum of \$1,150 50 to pay the claim of Bancroft, Whitney & Co., for money due and owing the said Bancroft, Whitney & Co. from the State of California.

Senate Bill No. 496—An Act for the relief of Hugo Duveneck, executor of the last will of Sigmund M. Thannhauser, deceased, for moneys paid through error by him as a tax on certain collateral bequests provided for in said will.

Senate Bill No. 504—An Act making an appropriation to pay expenses incurred at the State forestry station at Chico, California.

Senate Bill No. 483—An Act making an appropriation to pay the claim of Office Specialty Manufacturing Company, for metallic furniture furnished the office of the Clerk of the Supreme Court at Sacramento.

JONES, Chairman.

Senate Bill No. 325 ordered on file for passage.

Substitute for Senate Bill No. 422, and Senate Bills Nos. 445, 459, 472, 700, 712, 496, 504, and 483 ordered on file for third reading.

CONSIDERATION OF BILLS OUT OF ORDER.

On motion of Senator La Rue:

Senate Bill No. 700—An Act to appropriate \$1,120 to pay the unpaid salary of the late Dennis Spencer as Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco, from July 15, 1895, until and including November 30, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 700 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Stratton, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Stratton:

Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Senate Bill No. 325 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Chapman, Davis, Dickinson, Doty, Dwyer, Gillette, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senators Bulla and Burnett—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Simpson moved that Assembly Bill No. 513—An Act entitled "An Act to prohibit the manufacture or sale or operation of any mechanical device or machine known as a slot machine, within the State of California"—be taken up and considered.

Senator Davis moved that the motion be amended as follows:

That the Senate proceed to consider the Assembly bills on the special file for appropriation and claims bills.

POINT OF ORDER.

Senator Boyce arose to the point of order that the amendment was not germane to the original question.

Hon. S. C. Smith, in the chair, declared the point of order well taken.

SPECIAL ORDER SET.

On motion of Senator Simpson, the consideration of Assembly Bill No. 513 was made special order for two o'clock P. M. of this day.

SPECIAL ORDER POSTPONED.

On motion of Senator Boyce, the consideration of Senate Bill No. 4—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commission for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor"—heretofore set as a special order for this hour, was postponed until Thursday, March 16, 1899, immediately after reading of the Journal.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Hon. S. C. Smith, acting President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, March 15, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Milce, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—78.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL. READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Tuesday, March 14, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Tuesday, March 14, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senator Davis, Flint, and Rowell—3.

For Stephen M. White—Senator Prisk—1.

For Frank H. Gould—Senators Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, and Sims—7.

For James D. Phelan—Senator Hall—1.

For Samuel Braunhart—Senator Ashe—1.

Whole number of votes cast by Senators	36
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
Stephen M. White received	1 vote.
Frank H. Gould received	7 votes.
James D. Phelan received	1 vote.
Samuel Braunhart received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For *M. M. Estee*—Mr. Wade—1.

For *D. M. Burns*—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For *U. S. Grant, Jr.*—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—21.

For *Irving M. Scott*—Messrs. Cosper and Dunlap—2.

For *James G. Maguire*—Mr. Feliz—1.

For *Marion De Vries*—Mr. Brooke—1.

For *Frank H. Gould*—Messrs. Boone, Caminetti, Cowan, Fairweather, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Sanford, Stewart, E. D. Sullivan, Wardell, and White—15.

For *James D. Phelan*—Mr. Burnett—1.

For *John Rosenfeld*—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	77
W. H. L. Barnes received	15 votes.
M. M. Estee received	1 vote.
D. M. Burns received	19 votes.
U. S. Grant, Jr., received	21 votes.
Irving M. Scott received	2 votes.
James G. Maguire received	1 vote.
Marion De Vries received	1 vote.
Frank H. Gould received	15 votes.
James D. Phelan received	1 vote.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	113
Necessary to a choice	57
W. H. L. Barnes received	22 votes.
M. M. Estee received	1 vote.
D. M. Burns received	27 votes.
U. S. Grant, Jr., received	29 votes.
Irving M. Scott received	5 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	1 vote.
Stephen M. White received	1 vote.
Frank H. Gould received	22 votes.
James D. Phelan received	2 votes.
Samuel Brauhart received	1 vote.
James G. Maguire received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes p. m., on motion of Assemblyman Dibble, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock m. of Thursday, March 16, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes p. m., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Dickinson, Dwyer, Feeney, Flint, Hoey, Jones, La Rue, Léavitt, Luchsinger, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Taylor, and Trout—24.

Quorum present.

RECESS.

At twelve o'clock and thirty-three minutes P. M., the hour of recess having arrived, the President of the Senate declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—33.

Quorum present.

CONSIDERATION OF ASSEMBLY BILLS OUT OF ORDER.

On motion of Senator Cutter:

Assembly Bill No. 469—An Act to amend Section 5 of an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891.

During the second reading of bill, the following amendment was offered by Senator Cutter:

Amend by inserting the enacting clause: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, ordered to print and third reading.

On motion of Senator Curtin:

Assembly Bill No. 346—An Act to amend Section 1699 of the Code of Civil Procedure, relating to the settlement of accounts of trustees and to compensation of trustees.

Read second time, and ordered to third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 501—An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DICKINSON, Chairman.

CONSIDERATION OF ASSEMBLY BILLS—(RESUMED).

On motion of Senator Dickinson, Assembly Bill No. 501 was taken up and considered.

Assembly Bill No. 501—An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "twenty-five," in line 6, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out lines 7, 8, 9, 10, and 11, Section 1, page 1, printed bill, and change punctuation.

Amendment adopted.

Also: Amend by striking out all of Section 2 after the figure "2," on page 1, printed bill, and inserting in lieu thereof the following: "The State Controller is hereby authorized to draw his warrants for money in this Act appropriated in favor of the Secretary of State, and the State Treasurer is hereby directed to pay the same."

Amendment adopted.

Also: Strike out "July first, one thousand eight hundred and ninety-nine," and insert in lieu thereof "January first, nineteen hundred."

Amendment adopted.

Bill read second time, ordered to print and third reading.

On motion of Senator Flint:

Assembly Bill No. 309—An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern metallic bookcases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor.

Read third time.

Senator Leavitt moved that Senator Bulla be appointed a special committee of one to amend the bill as follows:

Strike out all of Section 3, and insert a new Section 3 in lieu thereof, to read as follows: "Sec. 3. This Act shall take effect immediately; *provided, however,* that the amount herein appropriated shall be available only after the first day of January, nineteen hundred."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 309—An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern metallic bookcases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

BULLA, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 440—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations, when found necessary, without offering the same for sale, excepting from the operation of this Act any territory and property under the jurisdiction or control of any incorporated city or town or any Board of State Harbor Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 440 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Gillette, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Simpson, Smith, Stratton, Trout, and Wolfe—24.

NOES—Senators Braunhart, Burnett, Hall, and Taylor—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Bulla, Assembly constitutional amendments on this file were taken up for consideration.

Assembly Constitutional Amendment No. 19—Proposing to the people of the State of California an amendment to the Constitution of the State, viz.: to amend Section 1 of Article XIII, and to repeal Sections 4 and 5 of Article XIII of the Constitution.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment. The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Cutter moved a call of the Senate.

Motion carried.

Time, two o'clock and forty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—36.

The Secretary announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and forty-five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Bulla.

The roll of absentees was called, and the President pro tem. announced Assembly Constitutional Amendment No. 19 refused adoption by the following vote:

AYES—Senators Bettman, Bulla, Chapman, Davis, Dickinson, Feeney, Flint, Jones, Leavitt, Maggard, Nutt, Pace, Shortridge, Simpson, and Wolfe—15.

NOES—Senators Burnett, Curtin, Cutter, Doty, Dwyer, Gillette, Laird, La Rue, Luchsinger, Morehouse, Rowell, Smith, Stratton, Taylor, and Trout—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Cutter gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 19 was this day refused adoption.

Assembly Constitutional Amendment No. 13—Relative to amending Section 12 of Article XIII of the Constitution, relating to poll-tax.

During the reading of the constitutional amendment, the following amendment was offered by Senator Stratton:

Amend by inserting in Section 12, line 6 of the printed constitutional amendment, after the word "general," the words "and primary."

During the discussion of the amendment, Senator Leavitt moved the previous question.

The question being, "Shall the main question be now put?"

The same was put and carried.

The question being on the adoption of the amendment offered by Senator Stratton.

The same was put and lost.

The committee amendment was read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 13 refused adoption by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Cutter, Dickinson, Dwyer, Feeney, Hall, Hoey, Pace, Prisk, Shortridge, Stratton, and Taylor—14.

NOES—Senators Bettman, Boyce, Burnett, Carrier, Davis, Doty, Gillette, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Rowell, Smith, Trout, and Wolfe—19.

The Secretary was directed to inform the Assembly, by message, of the action of the Senate on above constitutional amendment.

MOTION.

Senator Gillette moved that Assembly Bill No. 996 be taken up and considered.

On the question, the ayes and noes were demanded by Senators Gillette, Bulla, and Prisk.

The roll was called, and the motion carried by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Carrier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Gillette, Hoey, Jones, Langford, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—Senators Ashe, Bettman, Boyce, Hall, Laird, and Morehouse—6.

Assembly Bill No. 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years.

Read third time.

MOTION TO REFER.

Senator Doty moved that Senator Braunhart be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 669, the word "twenty" and inserting in lieu thereof the word "thirty."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years—with instructions to amend, respectfully reports the same back, amended as per instructions.

BRAUNHART, Committee.

Report of special committee of one and amendment adopted.

At three o'clock and thirty-five minutes P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth District, in the chair.

MOTIONS TO REFER.

Senator Boyce moved that Senator Burnett be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, lines 774 to 783, inclusive.

Motion lost.

Senator Laird moved that Senator Hall be appointed a special committee of one to amend the bill as follows:

Amend by striking out the words "one thousand two hundred dollars," in lines 700 and 701, page 20, printed bill, and inserting in lieu thereof the words "two thousand."

Also: Amend by striking out the words "one thousand eight hundred dollars," in lines 734 and 735, page 21, printed bill, and inserting in lieu thereof the words "two thousand dollars."

Also: Amend by striking out the words "one thousand two hundred dollars," in lines 766 and 767, page 21, printed bill, and inserting in lieu thereof the words "two thousand dollars."

Also: Amend by striking out the words "one thousand two hundred dollars," in lines 748 and 749, page 21, printed bill, and inserting in lieu thereof the words "two thousand dollars."

Motion lost.

Senator Shortridge moved that Senator Bulla be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, lines 682 to 769, the amounts appropriated for each District Agricultural Society, and inserting in lieu thereof the following amounts:

Districts.

No. 1—Del Norte, Siskiyou, Mendocino, Humboldt, and Trinity..	\$4,000 00
No. 2—Shasta, Tehama, and Glenn.....	4 000 00
No. 3—Modoc, Lassen, Plumas, and Sierra.....	2,000 00
No. 4—Yuba, Sutter, Butte, and Colusa.....	4,000 00
No. 5—Sonoma, Marin, Lake, and Napa.....	5,000 00
No. 6—Nevada, Placer, El Dorado, and Alpine.....	3,790 00
No. 7—Yolo, Solano, and Sacramento.....	4,000 00
No. 8—San Francisco, Contra Costa, and Alameda.....	5,000 00
No. 9—San Joaquin, Stanislaus, and Merced.....	7,000 00
No. 10—Amador, Calaveras, Tuolumne, and Mariposa.....	4,000 00
No. 11—San Mateo, Santa Clara, and Santa Cruz.....	7,000 00
No. 12—Mono and Inyo.....	500 00
No. 13—Madera, Fresno, Kings, Tulare, and Kern.....	5,000 00
No. 14—San Benito, Monterey, and San Luis Obispo.....	4,000 00
No. 15—Santa Barbara, Ventura, Los Angeles, and San Bernardino.....	7,000 00
No. 16—Orange, Riverside, and San Diego.....	4,000 00

Total \$70,290 00

Motion lost.

Senator Langford moved that Senator Shortridge be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 682, to and including line 783.

Motion lost.

Bill ordered to print.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Boyce, the motion to reconsider the vote whereby Assembly Bill No. 232—An Act authorizing the Secretary of State to appoint a clerk, in addition to the number now allowed by law, to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year—was refused passage, was postponed until next legislative day.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Leavitt moved a reconsideration of the vote whereby Assembly Bill No. 393—An Act to secure to native sons and naturalized citizens of the United States the exclusive right to labor on public works in this State—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Davis, Doty, Flint, Hall, Hoey, Laird, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Simpson, Stratton, Trout, and Wolfe—23.

NOES—Senator Sims—1.

The vote on final passage having been reconsidered, and the bill restored to third-reading file, the following action on bill was taken:

Senator Leavitt moved that Senator Davis be appointed a special committee of one to amend the bill as follows:

Amend by inserting after the word "received," line 14, Section 2, the following: "provided, this Act shall not apply to any honorably discharged soldier or sailor of the army or navy of the United States."

Also: Strike out all of Section 3, and renumber "Section 4" "Section 3."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 393—An Act to secure to native sons and naturalized citizens of the United States the exclusive right to labor on public works in this State—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendments adopted.

Senator Davis moved that Senator Leavitt be appointed a special committee of one to amend the bill as follows:

Amend by striking out of the title, line 11, the word "and" and inserting the word "or."

Also: Amend by striking out of Section 2, lines 7 and 8, the words "or skilled laborers."

Also: Amend by striking out of Section 1, line 3, the words "or skilled laborer."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 393—An Act to secure to native sons and naturalized citizens of the United States the exclusive right to labor on public works in this State—with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one and amendments adopted.

MOTION TO REFER.

Senator Gillette moved that Senator Cutter be appointed a special committee of one to amend the bill as follows:

Amend by inserting after the words "States," line 2, Section 1, the following: "or a person who has taken out his first naturalization papers."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 393—An Act to secure to native sons and naturalized citizens of the United States

the exclusive right to labor on public works in this State—with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTER, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print.

BILL RECALLED FROM PRINT FOR PURPOSE OF AMENDMENT.

On motion of Senator Dickinson, Assembly Bill No. 996 was recalled from print for the purpose of amendment.

Assembly Bill No. 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years.

The bill having been recalled from print for the purpose of amendment, the following action was taken:

MOTION TO REFER.

Senator Dickinson moved that Senator Davis be appointed a special committee of one, to amend the bill as follows:

Amend by striking out of line 199 the words "three thousand five hundred" and inserting the following: "four thousand."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print.

BILL RECALLED FROM THE ASSEMBLY.

Senator Stratton moved that Assembly Bill No. 292—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales—be recalled from the Assembly for correction, in order that amendments as made may appear thereon.

Motion carried.

The Secretary was directed to request, by message, the return of bill.

WITHDRAWAL AND SUBSTITUTION OF BILL.

On motion of Senator Stratton (by request of author), Assembly Bill No. 925—An Act providing what imprint shall be placed on bills, placards, posters, pamphlets, and other printed matter having reference to an election, or to any candidate, and providing a punishment for a violation thereof—was withdrawn, ordered stricken from the file, and Assembly Bill No. 334—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund money now in the San Francisco Depot Sinking Fund—substituted therefor on file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION AND PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your Committee on Education and Public Morals, to whom was referred Assembly Bill No. 180—An Act to provide aid for the use and support of high schools in the State of California, by the levy of a rate of taxation; the creation of a fund therefor; defining the duties of the Superintendent of Public Instruction and other officers concerning such schools, and the disbursements of moneys provided by this Act, and prescribing conditions upon which the same will be paid for the use and support of such schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

Also: Assembly Bill No. 588—An Act to amend Section 412 of the Penal Code, relating to boxing or sparring matches, and prize or ring fights.

Also: Assembly Bill No. 937—An Act to amend Sections 1637 and 1638 of Chapter III, Title III, Part III of the Political Code, relating to the school law of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BOYCE, Chairman.

Assembly Bills Nos. 588 and 937 ordered on special file of Assembly bills for second reading.

Assembly Bill No. 180 ordered on special file of appropriation and claims bills for second reading, on motion of Senator Dickinson.

ON MINES, DRAINAGE, AND DÉBRIS.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Débris, to whom was referred Assembly Bill No. 712—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

DAVIS, Chairman.

Assembly Bill No. 712 ordered on special file of Assembly bills for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Sims:

Resolved, That the pay of Page be allowed to E. D. Eddy from January 2 to January 31, 1899, inclusive, the same payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized to draw his warrant for the same, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Senator Smith, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Davis, Dickinson, Dwyer, Flint, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—27.

Quorum present.

LEAVE OF ABSENCE.

Senator Cutter was granted leave of absence for the evening, on motion of Senator Smith.

MOTION.

On motion of Senator Jones, Assembly Bill No. 54 was taken up and considered.

Assembly Bill No. 54—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

During the second reading of bill, the following amendments were offered by Senator Jones:

Amend by striking out of Section 1, line 1, the word "eighty-four," and inserting the word "forty-five."

Amendment adopted.

Also: Amend by striking out of Section 1, line 5, the word "central."

Amendment adopted.

Also: Amend Section 1, line 6, by inserting after the word "building" the words "or cottage."

Amendment adopted.

Also: Amend by striking out of Section 1, line 6, the words "office and."

Amendment adopted.

Also: Amend by striking out of Section 1, lines 7, 8, and 9, all after the word "same," in line 7, and inserting the following: "forty thousand dollars; and for the erection of a residence for the medical superintendent and for furnishing the same, five thousand dollars."

Amendment adopted.

Bill read second time, ordered to print and third reading, and on special file of appropriation and claims bills.

MOTION.

Senator Bettman moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 461—An Act authorizing the Governor and Attorney-General to purchase for the State of California certain lands in Humboldt Bay, and making an appropriation therefor.

Also: Passed Assembly Bill No. 728—An Act appropriating money to pay the expenses of maintaining an exposition to be held in the City and County of San Francisco in 1901, to be known as the Pacific Ocean and International Exposition, and to provide commissioners therefor.

Also: Assembly Bill No. 729—An Act authorizing the appropriation of moneys by the several counties, cities and counties, and municipal corporations for the purpose of advancing and maintaining their respective interests by exhibit of products and otherwise at the Pacific Ocean and International Exposition.

Also: Assembly Bill No. 818—An Act to amend Section 833 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorders.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 728 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 729 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 818 read first time, and referred to Committee on Municipal Corporations.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 461?"

Amend by striking out of Section 3, line 2, the words "its passage" and inserting the following: "the first day of January, nineteen hundred."

Also: Amend by inserting the following after the word "them," line 4, Section 1: "or so much thereof as may be necessary."

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Currier, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Shortridge, Sims, Stratton, Trout, and Wolfe—25.

NOES—None.

Bill ordered to reëngrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, of the Senate's concurrence in the above amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 828—An Act to appropriate the sum of \$400 to pay the claim of Argus Publishing Company, for money due and owing the said Argus Publishing Company from the State of California.

Also: Assembly Bill No. 463—An Act to appropriate the sum of \$180 to pay the claim of L. F. Easton, for money due and owing the said L. F. Easton from the State of California.

Also: Assembly Bill No. 907—An Act to appropriate the sum of \$460 to pay the claim of the Alameda Encinal, for money due and owing the said Alameda Encinal from the State of California.

Also: Assembly Bill No. 846—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 828 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 463 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 907 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 846 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendment to Assembly Bill No. 62—An Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining and returning an exhibit of the products of the State of California, at the Paris Exposition in 1900; also, for preparing and printing literature for distribution at said exposition, and providing a commission, salaries, and expenses of commission and attachés.

Also: Respectfully refused to concur in Senate amendments to Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of this Act—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen Melick, Milice, and Crowder a committee of conference on behalf of the Assembly to meet a like committee from the Senate.

Also: Concurred in Senate amendments to Assembly Bill No. 554—An Act requiring the payment into the State Treasury of all moneys belonging to the State received by

various State institutions, commissions, and officers, and directing the disposition of the same.

Also: Amended, and passed as amended, Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

The question being, "Shall the Senate recede from its amendments to Assembly Bill No. 249?"

The roll was called, and the Senate refused to recede from its amendments to Assembly Bill No. 249 by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Chapman, Dickinson, Dwyer, Gillette, Hall, Leavitt, Morehouse, Prisk, and Trout—14.

NOES—Senators Currier, Curtin, Davis, Doty, Feeney, Flint, Hoey, Jones, Laird, La Rue, Luchsinger, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Taylor—20.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President pro tem. appointed Senators Nutt, La Rue, and Rowell a committee of conference on Assembly Bill No. 249.

The Secretary was directed to inform the Assembly, by message, of the Senate's action on Assembly Bill No. 249.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 337?"

Amend by inserting after the word "maliciously" in line 4, Section 1, page 1, printed bill, the words "and unlawfully."

Also: Amend by adding to Section 1 the following: "provided, that this section shall not be construed to prevent the taking down or removal of such wires when they have been placed on a building or in enclosed lands without the consent of the owner thereof."

Senator Bulla moved that there be a division of the question.

So ordered.

The question being, "Shall the Senate concur in the first amendment?"

The roll was called, and the first Assembly amendment to Senate Bill No. 337 concurred in by the following vote:

AYES—Senators Bettman, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Laird, Langford, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

The question being, "Shall the Senate concur in the second amendment?"

The roll was called, and the Senate refused to concur in the second Assembly amendment to Senate Bill No. 337 by the following vote:

AYES—Senators Hall, La Rue, Morehouse, Pace, Trout, and Wolfe—6.

NOES—Senators Bettman, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dwyer, Feeney, Flint, Gillette, Hoey, Jones, Laird, Luchsinger, Nutt, Shortridge, Sims, Smith, Stratton, and Taylor—22.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President pro tem. appointed Senators Bulla, Sims, and Luchsinger a committee of conference on Senate Bill No. 337, in case the Assembly does not recede.

The Secretary was directed to inform the Assembly, by message, of the action of the Senate on the second Assembly amendment to Senate Bill No. 377.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties, and fixing his compensation.

Also: Passed Assembly Bill No. 443—An Act to establish a State Normal School in the City and County of San Francisco, State of California, and making an appropriation of \$20,000.

Also: Adopted Senate Constitutional Amendment No. 14—Relative to amending Article XIII of the Constitution of the State of California.

Also: Passed Assembly Bill No. 899—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Action on amendments to Senate Bill No. 320 postponed, in absence of author of the bill.

Assembly Bill No. 443 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Senate Constitutional Amendment No. 14 ordered to enrollment.

Assembly Bill No. 899 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 22—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations.

Also: Passed Senate Bill No. 272—An Act making an appropriation to pay the claim of the San Francisco Bulletin, for advertising constitutional amendments for the year 1896.

Also: Senate Bill No. 564—An Act to appropriate the sum of \$175 to pay the claim of National Bulletin, for money due and owing the said National Bulletin from the State of California.

Also: Senate Bill No. 599—An Act to appropriate the sum of \$3,400 to pay the claim of the San Francisco Bulletin, for money due and owing the said San Francisco Bulletin from the State of California.

Also: Senate Bill No. 558—An Act to appropriate the sum of \$717 75 to pay the claim of Daily Morning Union, Grass Valley, for money due and owing the said Daily Morning Union, Grass Valley, from the State of California.

Also: Senate Bill No. 616—An Act to appropriate the sum of \$375 to pay the claim of Contra Costa Gazette, for money due and owing the said Contra Costa Gazette from the State of California.

Also: Senate Bill No. 617—An Act to appropriate the sum of \$450 to pay the claim of San Francisco Abend Post, for money due and owing the said San Francisco Abend Post from the State of California.

Also: Senate Bill No. 627—An Act to appropriate the sum of \$350 to pay the claim of the Daily and Weekly Sentinel, for money due and owing the said Daily and Weekly Sentinel from the State of California.

Also: Senate Bill No. 626—An Act to appropriate the sum of \$150 to pay the claim of Daily and Weekly News, Red Bluff, for money due and owing the said Daily and Weekly News, Red Bluff, from the State of California.

Also: Senate Bill No. 629—An Act to appropriate the sum of \$250 to pay the claim of Democratic Printing House (Leake), for money due and owing the said Democratic Printing House (Leake) from the State of California.

Also: Senate Bill No. 641—An Act to appropriate the sum of \$150 to pay the claim of Evening Transcript, San Bernardino, from the State of California.

Also: Senate Bill No. 633—An Act to appropriate the sum of \$4,000 to pay the claim of the Examiner (W. R. Hearst), for money due and owing the said Examiner (W. R. Hearst) from the State of California.

Also: Senate Bill No. 637—An Act to appropriate the sum of \$150 to pay the claim of the Index-Tribune, for money due and owing the said Index-Tribune from the State of California.

Also: Senate Bill No. 578—An Act to appropriate the sum of \$900 to pay the claim of Sacramento Publishing Company (Record-Union), for money due and owing the said Sacramento Publishing Company (Record-Union) from the State of California.

Also: Senate Bill No. 582—An Act to appropriate the sum of \$900 to pay the claim of Daily Independent, Stockton, for money due and owing the said Daily Independent, Stockton, from the State of California.

Also: Senate Bill No. 583—An Act to appropriate the sum of \$900 to pay the claim of Stockton Mail, for money due and owing the said Stockton Mail from the State of California.

Also: Senate Bill No. 584—An Act to appropriate the sum of \$3,450 to pay the claim of San Francisco Chronicle, for money due and owing the said San Francisco Chronicle from the State of California.

Also: Senate Bill No. 594—An Act to appropriate the sum of \$125 to pay the claim of William O'Brien, Sutter Independent, for money due and owing the said Sutter Independent from the State of California.

Also: Senate Bill No. 595—An Act to appropriate the sum of \$175 to pay the claim of Sutter Publishing Company, for money due and owing the said Sutter Publishing Company from the State of California.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Constitutional Amendment No. 22 referred to Committee on Judiciary.

Senate Bills Nos. 272, 560, 599, 558, 616, 617, 627, 626, 629, 631, 633, 637, 578, 582, 583, 584, 594, and 595 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 559—An Act to appropriate the sum of \$150 to pay the claim of the Sierra Valley Record, for money due and owing the said Sierra Valley Record from the State of California.

Also: Amended, and passed as amended, Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Also: Amended, and passed as amended, Senate Bill No. 732—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk, and the products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Also: Passed Senate Bill No. 609—An Act to appropriate the sum of \$750 to pay the claim of Daily Record Publishing Company, Stockton, for money due and owing the said Daily Record Publishing Company, Stockton, from the State of California.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 559 and 609 ordered to enrollment.

Action on amendments to Senate Bill No. 43 postponed, in absence of author.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 732?"

AMENDMENT No. 1.

Amend by striking out the whole of the title after the words "An Act" down to the enacting clause, and inserting in lieu thereof the following: "to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk, and the products of milk, drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor."

AMENDMENT No. 2.

Amend by inserting a comma after the word "stock," in line 7, Section 1, page 1, printed bill.

AMENDMENT No. 3.

Amend by inserting a comma after the word "hogs," in line 9, Section 2, page 2, printed bill.

AMENDMENT No. 4.

Amend by striking out the word "thereto," in line 10, Section 2, page 2, printed bill, and inserting in lieu thereof the following: "to such dairies and creameries."

AMENDMENT No. 5.

Amend by striking out the period after the word "case," in line 16, Section 2, page 2, printed bill, and inserting in lieu thereof a comma, followed by the words "and he shall forthwith act upon such report."

AMENDMENT No. 6.

Amend by inserting before the word "entered," in line 11, Section 3, page 2, printed bill, the following: "and such appointment shall be."

AMENDMENT No. 7.

Amend by striking out the word "last," in line 3, Section 4, page 2, printed bill, and inserting in lieu thereof the word "fifth."

AMENDMENT No. 8.

Amend by inserting after the word "days," in line 4, Section 4, page 2, printed bill, the words "they were."

AMENDMENT No. 9.

Amend by inserting the word "preceding" before the word "month," in line 5, Section 4, page 2, printed bill.

AMENDMENT No. 10.

Amend by inserting after the word "shall" the words "for the purposes of this Act," in line 2, Section 5, page 3, printed bill.

AMENDMENT No. 11.

Amend by striking out the words "for the benefit of the public health," in lines 3 and 4, Section 5, page 3, printed bill.

AMENDMENT No. 12.

Amend by striking out the word "sixty," in line 12, Section 6, page 3, printed bill, and inserting in lieu thereof the word "thirty."

AMENDMENT No. 13.

Amend by striking out the word "deemed," in line 6, Section 10, page 4, printed bill,

AMENDMENT No. 14.

Amend by inserting the word "dollars" after the word "thousand," in line 4, Section 13, page 5, printed bill.

The roll was called, and Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Carrier, Dickinson, Doty, Feeney, Flint, Hoey, Laird, Luchsinger, Morehouse, Prisk, Rowell, Simpson, Sims, Smith, Trout, and Wolfe—21.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating, and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Senate Bill No. 196—An Act making an appropriation to pay the claim of Olive R. Chapman, arising upon a judgment recovered against the State of California, in the Superior Court of the City and County of San Francisco, on August 8, 1895.

Senate Bill No. 245—An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor.

Senate Bill No. 465—An Act to pay the claim of William Henry Murray against the State of California, and appropriating money therefor.

Senate Bill No. 612—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture as instructress and silk expert.

JONES, Chairman.

Senate Bills Nos. 207, 196, 245, 465, and 612 ordered on file for third reading.

BILL RECALLED FROM PRINT FOR PURPOSE OF AMENDMENT.

On motion of Senator Dickinson, Assembly Bill No. 996 was recalled from print for purpose of amendment.

Assembly Bill No. 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years.

Bill having been recalled from print for purpose of amendment.

MOTION TO REFER.

Senator Dickinson moved that Senator Davis be appointed a special committee of one to amend the bill as follows:

Amend by striking out of line 240 of bill as amended in Senate March 14, 1899, the word "seven," and inserting the following: "ten."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

BILL RECALLED FROM THE ASSEMBLY.

Senator Nutt moved that Senate Bill No. 650 be recalled from the Assembly for purpose of amendment.

Motion carried, and bill ordered recalled.

SPECIAL ORDER SET.

On motion of Senator Laird, the consideration of Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California—was made a special order for Thursday, March 16, 1899, immediately after reading of the Journal.

CONSIDERATION OF SENATE SPECIAL FILE.

Assembly Bill No. 742—An Act to amend Section 290 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to articles of incorporation.

Read second time, and ordered to third reading.

Assembly Bill No. 542—An Act to amend Section 4 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act."

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 542 finally passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read.

The following amendment to the title was offered by Senator Chapman:

Amend by striking out of the title, lines 1 and 2, the words "An Act to amend Section 4 of an Act entitled."

Amendment adopted and title approved.

Bill ordered to print and to the Assembly.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS.

On motion of Senator Bulla, the special file of appropriation and claims bills was taken up.

Senate Bill No. 422—An Act appropriating money for the repair and improvement of the building and grounds at the Industrial Home of Mechanical Trades for the Adult Blind.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 422 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 470—An Act making an appropriation of \$5,000. to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Passed on file.

At nine o'clock and twenty minutes P. M., Hon. Edward I. Wolfe, State Senator from the Twenty-first District, in the chair.

Senate Bill No. 472—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a reformatory for the confinement and reformation of prison convicts; to select and secure a site, and submit sketch plans and specifications therefor, to investigate and report upon the feasibility of the sale of the property belonging to the State at San Quentin, and of segregating the prisoners into classes, looking to the confinement of incorrigibles at Folsom Prison; to enlarge said prison for that purpose, and to the confinement of those capable of reformation at such reformatory when established, and to make an appropriation for such purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 472 refused passage by the following vote:

AYES—Senators Braunhart, Bulla, Currier, Dickinson, Jones, Nutt, Shortridge, Smith, Stratton, and Trout—10.

NOES—Senators Ashe, Bettman, Burnett, Davis, Doty, Dwyer, Feeney, Gillette, Hall, Laird, La Rue, Morehouse, Prisk, Rowell, Sims, Taylor, and Wolfe—17.

At nine o'clock and thirty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating, and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 207 passed by the following vote:

AYES—Senators Ashe, Bettman, Brauhart, Bulla, Burnett, Currier, Curtin, Dickinson, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 465—An Act to pay the claim of William Henry Murray against the State of California, and appropriating money therefor.

Passed on file.

Assembly Bill No. 733—An Act making an appropriation to pay the claim of J. E. Edson.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 733 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Prisk, Shortridge, Stratton, Trout, and Wolfe—23.

NOES—Senators Nutt and Sims—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

On motion of Senator Bettman, Assembly Bill No. 637 was taken up and considered.

Assembly Bill No. 637—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties, in the State," as amended by an Act approved March 29, 1897, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties, in the State."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 637 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Laird, Luchsinger, Nutt, Pace, Rowell, Shortridge, Sims, Stratton, Taylor, and Trout—26.

NOES—Senators Jones, Leavitt, and Prisk—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered by Senator Shortridge:

Resolved, That Miss M. P. Hughes, Assistant Postmistress, be allowed pay for one week after the final adjournment of the thirty-third session of the Legislature, for the services to be rendered in receiving and sending mail to its proper post office address; payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant in favor of said party, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

Also:

Resolved, That the pay of Bill Filer be allowed Frank J. Rock from January 23, 1899, to and including March 13, 1899, for services rendered the Senate, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Gillette:

Resolved, That the sum of \$150 be allowed Geo. A. Leon for services at the Senate desk from February 5, 1899, to March 13, 1899, the same payable out of the Contingent Fund of the Senate. The Controller is ordered to draw his warrant for the said amount and the Treasurer to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Hoey:

Resolved, That Geo. B. Smith, messenger to the State Printer, be required to serve as such for one week after adjournment *sine die*, to serve the clerks required by law to remain over to prepare papers, etc., to file with the Secretary of State. The Controller is directed to draw his warrant in favor of said Smith for \$21 and the Treasurer to pay the same at the expiration of said week.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Leavitt:

Resolved, That William Cruse be allowed pay for the period of seven days from and after the date of the final adjournment of the thirty-third session of the Legislature, at the same per diem which he is now receiving, for services to be rendered by him in taking mail to and from the post office after such adjournment; and the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of the said William Cruse for said seven days' pay, and the Treasurer is hereby directed to pay the same out of the fund for the contingent expenses of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Laird asked for and was granted unanimous consent to withdraw Senate Bill No. 476—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California—and to substitute therefor on file Assembly Bill No. 603—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Senate Bill No. 476 withdrawn and ordered stricken from the file, and Assembly Bill No. 603 substituted therefor.

CONSIDERATION OF BILLS OUT OF ORDER.

On motion of Senator Nutt:

Senate Bill No. 171—An Act to amend Section 1 of an Act entitled "An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns," approved March 9, 1883.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "Justices of the Peace of any township composed in whole or part of an incorporated city or town, and," in lines 6, 7, and 8, Section 1, page 1, printed bill.

Amendment adopted.

Also: Amend by striking out the small "j" in line 8, Section 1, page 1, printed bill, and inserting in lieu thereof a capital "J."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Davis:

Assembly Bill No. 368—An Act to appropriate money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "three thousand," in line 3, Section 1, page 1, printed bill, and inserting in lieu thereof the word "twenty."

Amendment adopted.

Bill read second time, ordered to print and engrossment.

On motion of Senator Luchsinger:

Assembly Bill No. 377—An Act to amend Section 632 of the Penal Code, relating to fish.

Read second time, and ordered to third reading.

On motion of Senator Prisk:

Assembly Bill No. 140—An Act to repeal an Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits, approved March 27, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 140 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Sims, Stratton, Taylor, and Trout—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Taylor:

Assembly Bill No. 994—An Act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble-Minded Children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 994 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Smith, Stratton, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 758—An Act to amend Sections 649 and 650 of the Civil Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Constitutional Amendment No. 22—Relative to the regulation of charges of telephone corporations—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

GILLETTE, Chairman.

Assembly Bill No. 758 ordered on special file of Assembly bills for second reading.

Assembly Constitutional Amendment No. 22 ordered on special file of Assembly bills.

ADJOURNMENT.

At ten o'clock and forty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until nine o'clock and thirty minutes A. M. of Thursday, March 16, 1899.

IN SENATE.

SENATE CHAMBER,
Thursday, March 16, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Wednesday, March 15, 1899, was read.

The Journal of Monday, March 13, 1899, was approved.

PETITION.

The following petition was received and read, and ordered printed in the Journal:

To His Excellency the Governor, the Senate and Assembly of the State of California:

In behalf of the Republican Good Government League, representing over 2,500 Republican voters of Santa Clara County, we most earnestly protest against the enact-

ment of Senate Bill No. 308 or Assembly Bill No. 1000, now pending before your honorable bodies, "To establish a uniform system of county and township governments," as well as against the enactment of any statute whereby the number of county officers are increased in said County of Santa Clara, or their salaries increased; and we most respectfully show that in the year 1894 the Salary Fund of Santa Clara County, which consists of a general levy, and the fees and fines collected by the several officers amounted to the following:

General tax levy, 9 cents.....	\$50,861 00
Fees and fines	23,000 00
Total.....	\$73,861 00

That by the Act of 1897, Section 161, the salaries of officers in said county were increased in the sum of \$15,800.

That in addition to the numerous salaried officers created by the Board of Supervisors, the officers and salaries provided by the statute of 1897 are as follows, payable from the County Treasury:

County Clerk, per annum.....	\$9,000 00
County Clerk, additional deputy.....	1,200 00
Sheriff (and mileage in certain cases)	9,520 00
Recorder	8,000 00
Auditor.....	4,000 00
Tax Collector (including all fees as License Collector)	7,000 00
Treasurer	4,000 00
Assessor	9,500 00
Assessor, one deputy.....	1,200 00
District Attorney	3,200 00
Assistant District Attorney.....	1,800 00
Deputy District Attorney.....	1,200 00
County Superintendent of Schools.....	2,000 00
Assistant County Superintendent of Schools.....	900 00
Surveyor, his fees.....	
Coroner.....	600 00
Each Supervisor, as such.....	1,200 00
Each Supervisor, as Road Commissioner, with mileage 20 cents to and from the county seat.....	500 00
Public Administrator, his fees.....	
Health Officer.....	600 00

It would seem that the above salaries are most liberal; in fact, almost extravagantly so. And under this Act of 1897 the Salary Fund of Santa Clara County was as follows:

General levy, 14.5 cents.....	\$73,981 00
Fees and fines collected.....	24,836 00
Total.....	\$98,817 00

An increase over 1894 of tax levy from 9 to 14.5 cents, and an increase in amount raised of \$24,956.

It is proposed by the bills now before the Senate and Assembly to add the following, per Section 161:

Clerk of the Board of Supervisors.....	\$1,500 00
Under Sheriff.....	1,800 00
License Collector.....	1,800 00
District Attorney's clerk.....	1,200 00
Prosecuting Attorney, Justice's Court.....	1,500 00
County Surveyor, salary.....	2,400 00
County Surveyor's clerk.....	1,500 00

While in the Senate bill it is proposed to give the License Collector 10 per cent of licenses collected, which will amount to at least annually the sum of \$2,500 in addition to his salary of \$1,800 provided.

In many other respects increased expenditures are provided.

It is conceded by all officials of our county that the present force of officials is enough to fully and promptly discharge all the duties required of them by law; that such proposed increase is unwarranted, and will add many thousands of dollars to our already burdened taxpayers.

Wherefore, in the interests of good government, of economy, of justice, and of the taxpayers of Santa Clara County, we most earnestly protest against any change in the law whereby the officers or their salaries are increased, or the powers of the County Board of Supervisors enlarged.

Most respectfully,

J. R. LEWIS,
E. A. HAYES,
C. M. WOOSTER,
Committee.

SPECIAL ORDER.

The consideration of Assembly Concurrent Resolution No. 19, being set as a special order for this hour, was proceeded with.

ASSEMBLY CONCURRENT RESOLUTION No. 19.

Relative to adjournment.

Resolved by the Assembly, the Senate concurring, That the Legislature adjourn *sine die* at twelve o'clock midnight on Saturday, March eighteenth, eighteen hundred and ninety-nine.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 19 adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Gillette, Jones, La Rue, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—26.
NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS.

The following resolutions were offered:

By Senator Simpson:

Resolved, That the pay of Gallery Doorkeeper to the Senate be allowed William Sampson from the second day of February to and including March 18, 1899, for services rendered the Senate, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Cutter:

Resolved, That C. E. Williams, bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all vouchers and papers after the close of the session to their proper owners, and also to make up a file of the chapters for each Senator, to be shipped with their other papers;

Resolved, That he be allowed fifty dollars (\$50) for above services, and the Controller is hereby instructed to draw his warrant for the same payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 600—An Act to appropriate the sum of \$1,000 to pay the claim of Mercury Publishing and Printing Company (Commercial Savings Bank, assignee), for money due and owing the said Mercury Publishing and Printing Company (Commercial Savings Bank assignee) from the State of California.

Also: Senate Bill No. 604—An Act to appropriate the sum of \$175 to pay the claim of Yreka Journal, for money due and owing the said Yreka Journal from the State of California.

Also: Senate Bill No. 606—An Act to appropriate the sum of \$150 to pay the claim of the Alturas Plaindealer, for money due and owing the said Alturas Plaindealer from the State of California.

Also: Senate Bill No. 567—An Act to appropriate the sum of \$2,160 to pay the claim of the Oakland Tribune, for money due and owing the said Oakland Tribune from the State of California.

Also: Senate Bill No. 570—An Act to appropriate the sum of \$450 to pay the claim of Santa Rosa Press-Democrat, for money due and owing the said Santa Rosa Press-Democrat from the State of California.

Also: Senate Bill No. 573—An Act to appropriate the sum of \$450 to pay the claim of San Diego Sun Publishing Company, for money due and owing the said San Diego Sun Publishing Company from the State of California.

Also: Senate Bill No. 574—An Act to appropriate the sum of \$550 to pay the claim of the Los Angeles Record, for money due and owing the said Los Angeles Record from the State of California.

Also: Senate Bill No. 575—An Act to appropriate the sum of \$2,000 to pay the claim of San Francisco Report, for money due and owing the said San Francisco Report from the State of California.

Also: Senate Bill No. 576—An Act to appropriate the sum of \$300 to pay the claim of Emanu-El, for money due and owing the said Emanu-El from the State of California.

Also: Senate Bill No. 86—An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital; said buildings to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital; to appropriate money therefor, and provide for the expenditure of the same.

Also: Senate Bill No. 722—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Treasurer, Levi Rackliffe.

Also: Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Also: Senate Bill No. 657—An Act to appropriate the sum of \$300 to pay the claim of Visalia Daily Times, for money due and owing the said Visalia Daily Times from the State of California.

Also: Senate Bill No. 666—An Act to appropriate the sum of \$100 to pay the claim of the Labor Advocate, for money due and owing the said Labor Advocate from the State of California.

Also: Senate Bill No. 674—An Act to appropriate the sum of \$246 65 to pay the claim of the Hollister Bee, for money due and owing the said Hollister Bee from the State of California.

Also: Senate Bill No. 679—An Act to appropriate the sum of \$600 to pay the claim of L'Italia, for money due and owing the said L'Italia from the State of California.

Also: Senate Bill No. 681—An Act to appropriate the sum of \$150 to pay the claim of Fresno Evening Democrat, for money due and owing the said Fresno Evening Democrat from the State of California.

Also: Concurred in Senate amendments to Assembly Bill No. 440—An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations when found necessary, without offering the same for sale, excepting from the operation of this Act any territory and property under the jurisdiction or control of any incorporated city or town or any Board of State Harbor Commissioners.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 600, 604, 606, 567, 570, 573, 574, 575, 576, 86, 722, 358, 657, 666, 674, 679, and 681 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors—and has appointed Assemblymen Johnson, Lardner, and Boone as a committee of conference on behalf of the Assembly, to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President called attention to the fact that the committee of conference on the part of the Senate on Senate Bill No. 202 had previously been appointed, and consisted of Senators Braunhart, Smith, and Morehouse.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen Hanley, Belshaw, and Devoto as a committee of conference on behalf of the Assembly, to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate recede from its amendments to Assembly Bill No. 365?"

The roll was called, and the Senate refused to recede from its amendments to Assembly Bill No. 365 by the following vote:

AYES—Senator Feeny—1.

NOES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Dwyer, Hall, La Rue, Leavitt, Luchsinger, Prisk, Rowell, Shortridge, Simpson, Sims, and Wolfe—20.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President appointed Senators Gillette, Hall, and Boyce a committee of conference on Assembly Bill No. 365.

The Secretary was directed to inform the Assembly, by message, of the Senate's action on Assembly Bill No. 365.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 330—An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$100,000.

Also: Assembly Bill No. 625—An Act making an appropriation of \$5,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands occupied by the State Hospital.

Also: Assembly Bill No. 780—An Act to amend Section 647 of the Penal Code of the State of California, relating to vagrants.

Also: Assembly Bill No. 550—An Act to amend Section 296 of the Civil Code, relating to the filing of articles of incorporation.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 330 ordered to enrollment.

Assembly Bill No. 625 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 780 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 550 read first time, and referred to Committee on Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day directed that Assembly Bill No. 292—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales—be returned to the Senate, as requested.

Also: Herewith returns to the Senate, as per request, Senate Bill No. 650—An Act to appropriate the sum of \$550 to pay the claim of the San Diego Vidette Company, for money due and owing the said San Diego Vidette Company from the State of California.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 292 ordered on file.

Senate Bill No. 650, having been returned to the Senate, on motion of Senator Nutt, the Secretary was directed to correct a clerical error and return the proper bill to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 738—An Act authorizing and directing refund to parties, their attorneys, their heirs and assigns, of unconsumed portions of money deposited as security for costs of actions and proceedings in the District Courts and Superior Courts of the State, under an Act approved March 5, 1870.

Also: Assembly Bill No. 1009—An Act to amend Sections 163, 167, 174, 196, 200, and 204 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 605—An Act making an appropriation to pay the deficiency in the appropriation to pay for transportation of insane for the forty-ninth fiscal year.

Also: Assembly Bill No. 699—An Act making an appropriation to pay the claim of John J. Snyder for costs of suit in foreclosing delinquent purchasers of State school lands.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 738 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1009 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bill No. 605 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 699 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your committee of conference appointed to meet a like committee on the part of the Assembly, with reference to the disagreement between the two houses as to amendments made by the Assembly to Senate Bill No. 202, have had the same under consideration, and respectfully beg leave to report, recommending that the Senate concur in said amendments.

BRAUNHART,
SMITH,
MOREHOUSE,
Senate Committee.
JOHNSON,
BOONE,
LARDNER,
Assembly Committee.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Doty, Feeney, Hall, Jones, La Rue, Leavitt, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—24.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Hall:

Resolved, That Assembly Bill No. 443 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—31.

NOES—Senators Davis and Langford—2.

CASE OF URGENCY.

Assembly Bill No. 443—An Act to establish a State Normal School in the City and County of San Francisco, State of California, and making an appropriation of \$20,000.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 443 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Currier, Curtin, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Laird, Leavitt, Maggard, Morehouse, Nutt, Shortridge, Stratton, Taylor, and Wolfe—21.

NOES—Senators Boyce, Bulla, Dickinson, Jones, La Rue, Prisk, Rowell, Sims, Smith, and Trout—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

The consideration of Senate Bill No. 4, heretofore set as special order for this hour, was proceeded with.

Senate Bill No. 4—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor."

During the second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 4.

An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 25, 1895.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of an Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor, approved March twenty-eight, eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Section 2. *Qualifications of Members.*—The members of said commission shall be known and designated as "The Commissioners for the Revision and Reform of the Law," and the term of office shall be two years, from and after the first day of April, eighteen hundred and ninety-nine. They shall not belong to the same political party, but shall be members of the legal profession who have been admitted to practice before the Supreme Court, and have been engaged in the practice of law in this State for more than ten years prior to their appointment. Each shall be appointed from a representative and separate portion of the State.

Sec. 2. *Manner of Appointment.*—Section three of said Act is hereby amended to read as follows:

Said commissioners shall be appointed by the Governor within thirty days from the passage of this Act. In case of a vacancy or vacancies in said commission, by death, resignation, removal or otherwise, a successor or successors to fill such vacancy or

vacancies for the unexpired term, and at the expiration of the term of office of such commission, they or others shall be appointed on such commission in the same manner, and for a like term of two years.

SEC. 3. Section four of said Act is hereby amended so as to read as follows:

Section 4. *Notice of Appointment.*—The Secretary of State shall, after the passage of this Act and the appointment of such commissioners, immediately notify each appointee thereof, and issue to such appointee a commission under the Great Seal of this State, notifying him of the passage of said Act, and of his appointment by the Governor. Each appointee shall, immediately upon receiving said notice of his appointment, if he accept the same, take and subscribe an oath of office, which shall be indorsed upon said commission and filed in the office of the Secretary of State, which shall be in form and substance as follows:

"I, —, having been appointed by the Governor of the State of California as one of 'The Commissioners for the Revision and Reform of the Law,' being duly sworn, do solemnly declare that I will support the Constitution of the United States and the Constitution and laws of the State of California; and that I will perform the duties of the office of Commissioner for the Revision and Reform of the Law honestly, faithfully, and to the best of my skill and ability, and will never, while occupying said office, use, or attempt to use, my personal or official influence to affect legislation for private ends."

No person holding any public office, State or Federal, is eligible as a member of said commission. Each member of the commission shall devote his whole time to the duties of his office, and shall not while said commissioner practice his profession, or accept any fee or retainer from any person, corporation, association, or otherwise.

SEC. 4. Section five of said Act is hereby amended so as to read as follows:

Section 5. The commission shall hold its sessions in a room to be provided by the Secretary of State, in the State Capitol, and shall enter upon the discharge of its duties immediately after its organization. Said commissioners shall select and adopt a suitable seal for the authentication of their acts, records, and proceedings, and adopt and provide for the publication of such reasonable and proper rules and regulations for the conduct of the business of said board, and for the promotion of the objects intended to be advanced by this Act. They shall, thereupon, select and appoint a secretary and such stenographers as they may require, to hold office during the pleasure of said board, who shall attend all the sittings of said board, and act under its supervision.

SEC. 5. Section six of said Act is hereby amended so as to read as follows:

Section 6. *Powers and Duties.*—1. It shall be the duty of said commissioners to revise and examine the Codes and Statutes of this State.

2. They shall ascertain, determine, and designate according to their best judgment those statutes now in force and those expressly or by implication repealed.

3. They shall note and designate the errors, defects or omissions, verbal, grammatical, or otherwise, and suggest what will be necessary to supply, correct or amend the same, and such improvements as shall introduce precision and clearness into the wording of the Codes and Statutes.

4. It shall be the duty of each of said commissioners to submit to the board the results of his examination and investigation, and if his associates agree therein, said board shall make or cause to be made a report in writing thereon, embodying such suggestions as they shall deem proper, which report shall be filed with the secretary of said board, and become a public record of said commission.

5. If, upon submission to the said board of the results of the investigation or examination of any member thereof, said board do not unanimously agree upon the report to be made thereon, then each commissioner, or such as may agree, shall have the right to make a separate or individual report in writing thereon and file the same.

6. All such original reports, records, and proceedings shall be and remain always open for inspection under such reasonable regulations in regard to the same as shall be adopted by said board.

7. All or any of the reports, records or proceedings of said commission shall be printed by the State Printer on the requisition of said board, when so ordered and directed by said board.

8. Said board shall have the power to order the State Printer to print and deliver to the secretary of said board such number as said board may designate, of any report, record or proceeding of said board.

9. The secretary of said board must furnish, on payment of such fees therefor as shall be fixed by the rules and regulations of said board, true copies of every such original report, record or proceeding of said board as remains of record in the office of said commissioners, and certify the same under the seal of said board.

10. It will be the duty of the secretary, without fee or cost, to distribute printed copies of all such reports, records, and proceedings of said board as said board shall designate and direct, to the Governor, and all State, county, and township officers in this State, and to such persons, associations, and institutions in this and other States and foreign countries as may be determined by said board. And said secretary shall deliver upon demand, or mail to any address requested, free of cost, any printed copy of any such report, record or proceeding then in his custody.

11. Said board shall at all times freely accept from any person any written communication, couched in proper and respectful language, relating to any subject over which said commission has charge. And every citizen of this State shall have the right to file with the secretary of said board any written or printed communication.

12. Said board shall at all times when in open session accept and receive any oral

suggestion or argument, couched in proper and respectful language, concerning any subject over which said board has charge.

13. And it shall be the duty of said board, whenever any proposed legislation affects or appears to affect, or appears liable to affect, the interests or welfare of any locality in this State, or the citizens thereof, or any class of citizens, or any individual citizen, institution, association, corporation, or established industry or interest in said State, to notify such citizens, or citizen, institution, association, corporation, or established industry, or interest in said State, or person in charge thereof, as to the same, and to permit them or their representatives to appear before said board when in open session, as their rules and regulations prescribe, and argue and discuss said matter. Said board shall have power on such notice, and under such conditions as their rules and regulations may prescribe, to hear arguments and reasons advanced for and against any such measure, and by their rules they shall prescribe the method of notice to be given.

14. Said board shall at all such times as they may designate, by rules and regulations which they may adopt, sit in open session and hear such printed or oral argument as may be addressed to them for or against any proposed or existing legislation. All such sessions of the board shall be open to the public, and a record of all proceedings shall be kept and preserved by the secretary of the board.

15. Said commissioners, or either of them, upon the request of the Legislature, or a duly appointed committee thereof, shall attend at the Capitol, during the sitting of said session of the Legislature, and act as legislative counsel or adviser, in drafting or passing upon the form of any bill or proposed bill pending or to be introduced before said Legislature; and also when requested give advice to said Legislature or such committee as to the form of any proposed legislation and its effect upon existing laws; and as to whether said bill, as drawn and presented, is so constructed and worded as to carry out the proposed intent.

16. Ninety days prior to every session of the Legislature said board shall make and file with the Secretary of State a report of their transactions relating to legislative matters, or which would give any information or knowledge to said Legislature as to legislation in the past, and as to the policy for future legislation. And they shall also report to said Legislature such suggestions as they deem proper for the promotion of the public welfare and the best interests of the State, or any locality or citizens thereof, and file therewith schedules or exhibits, showing the form or substance of all the proposed legislation which they recommend. And they shall suggest all such improvements as shall conduce to precision and clearness in the wording of the Codes and Statutes, and propose such measures as may be necessary to improve or give unity and completeness to the system of the laws of the State. Said reports, schedules, and exhibits shall be printed by the State Printer, upon the requisition and under the supervision of the commissioners. They shall be so printed as to show, in the readiest manner, the changes proposed by the commission, and in those cases wherein it shall recommend the repeal of a law, and propose a substitute therefor, such law and substitute shall be printed in the manner most convenient for comparison.

Said board shall issue, print, and distribute to all State officers and to all Superior Judges, and generally upon application to the members of the legal profession, bi-monthly, a bulletin which shall contain such information as to their current work as to give information of the progress made by the board in its work of revision.

17. And said commissioners are further authorized to incur such necessary personal expenses as may be necessary for their attendance upon the sessions of the Legislature.

18. The said commission is authorized to subscribe for such current literature, law, scientific and other periodicals and publications that, in the judgment of said commission, will aid in the carrying out of their work; and also to incur such expenses for postage, expressage, and other incidentals as may be necessary for the conduct of said office.

SEC. 6. Section seven of said Act is hereby amended so as to read as follows:

Section 7. *Acts Prohibited.*—1. No commissioner shall ever permit any private solicitation, or accept any present of money or other valuable thing, or the promise thereof, from any person advocating or opposing any measure acted upon, pending or to be brought before them or the Legislature of the State, or knowingly permit any other person to receive any solicitation, promise, or reward, or anything of value for the purpose of influencing the action or opinion of said commissioner.

2. And no member of said commission shall privately talk or discuss with any member of the Legislature any question regarding pending or possible legislation, or during a legislative session appear in the lobbies or chamber of the Senate or Assembly.

3. And no member of said commission shall ever advocate or attempt to advocate or assist in the promotion of any private scheme, plan, method, system, or act for the advancement of any legislation whatever.

SEC. 7. Section eight of said Act is hereby amended so as to read as follows:

Section 8. *Penal Acts.*—Each of said commissioners, while he is such, or while de facto acting as one of "The Commissioners for the Revision and Reform of the Law," shall be deemed to be an executive, legislative, and judicial officer of this State, in so far as to make Part I, Title V, Title VI, and Title VII, Chapter I, of the Penal Code of the State of California applicable to him; and any person offending against any of the provisions of said parts of said Penal Code is a competent witness against any person being or acting, or having been or acted as such commissioner, who has also offended therein. Any such persons and every person may be compelled to attend and testify upon any trial, hearing, proceeding, or other investigation in the same manner as any person not

having so offended, and any person so testifying shall never be prosecuted for complicity in any such offense. Testimony so given shall not be used in any action or proceeding, civil or criminal, against the person so testifying. Any person so testifying shall not thereafter be liable to indictment or information, or prosecution, or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such indictment, information, or prosecution; *provided*, that no person above named shall be exempted from prosecution and punishment for perjury committed in so testifying.

SEC. 8. A new section is hereby added to said Act, to be known as section nine, which section shall read as follows:

Section 9. *Compensation.*—1. Said commissioners shall receive for their services, from the State, the sum of four thousand dollars per annum; such compensation shall be paid in the same manner as the salaries of the Justices of the Supreme Court are now paid.

2. The secretary of the commission shall receive the sum of one hundred and fifty (\$150) per month, and three stenographers seventy-five (75), in like manner as the salaries are paid to the members of said commission.

3. The expenses incurred by said commission, or the members thereof, exclusive of salaries, shall be set forth in detail in an itemized statement, and thereupon a requisition shall be made by said board of commissioners upon the State Controller, accompanied by the sworn certificate of all the commissioners that the services have been performed and the materials used or furnished, and that said sums are justly due.

4. And said State Controller is hereby directed to draw his warrant on the Treasurer for the payment of said salaries, when due and payable, as herein provided. And also for such sums as are covered by such requisitions, and the Treasurer is hereby directed to pay the same out of any money not otherwise appropriated.

SEC. 9. A new section is added to said Act to be designated as section ten, which section shall read as follows:

Section 10. *Removal.*—The Governor shall have power to remove any of said commissioners for neglect of his duties as such. Any of said commissioners shall be removed by the Governor whenever, after a full investigation, upon notice to said commissioner, it shall appear to the Governor that such commissioner has done, or been knowingly privy to the commission of any of the acts prohibited in section seven hereof, or has been guilty of any breach of his duties, or has been guilty of any unlawful, corrupt, or unprofessional conduct as such commissioner.

SEC. 10. This Act shall take effect immediately.

Substitute read and adopted.

The following amendments were offered to the bill as amended:

By Senator Davis:

Amend by striking out of Section 3, lines 24 and 29, inclusive, the words: "No person holding any public office, State or Federal, is eligible as a member of said commission. Each member of the commission shall devote his whole time to the duties of his office, and shall not, while said commissioner, practice his profession, or accept any fee or retainer from any person, corporation, association, or otherwise."

Amendment adopted.

By Senator Dickinson:

Amend by striking out of Section 5, line 55, all of subdivisions 11, 12, and 13.

Amendment adopted.

Also: Amend by striking out Section 6.

Amendment adopted.

Also: Amend by striking out of Section 7, line 9, the words "and any person offending," and all of lines 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26.

Amendment adopted.

By Senator Bulla:

Amend by inserting in Section 1, line 17, the word "all" between the words "not" and "belong."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

MOTION.

On motion of Senator Leavitt, Assembly Bill No. 38 was taken up and considered.

Assembly Bill No. 38—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 of said Act, relating to and providing for the government of counties of the third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 38 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER.

The consideration of Assembly Bill No. 603, heretofore set as a special order for this hour, was proceeded with.

Assembly Bill No. 603—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Read second time.

SPECIAL ORDER SET.

On motion, Assembly Bill No. 603 was made special order for consideration on Friday, March 17, 1899, to follow other special orders immediately after reading of the Journal.

RECONSIDERATION.

In compliance with his notice given on a previous day, Senator Boyce moved a reconsideration of the vote whereby Assembly Bill No. 232—An Act authorizing the Secretary of State to appoint a clerk, in addition to the number now allowed by law, to be known as Janitor's Clerk, and providing for the payment of his salary for the remainder of the fiftieth fiscal year—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Stratton, Trout, and Wolfe—32.

NOES—Senator Smith—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 232 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—33.

NOES—Senators La Rue, Rowell, Smith, and Stratton—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Cutter moved that the Assembly amendments to Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation—be now considered. So ordered.

Also: The Assembly amendment to Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Motion carried.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 320?"

In line 14, Section 1, strike out the word "eighteen," and insert the words "twenty-five" in lieu thereof.

Also: Add to Section 3, line 12, the following: "This Act shall be continued as a renewal and continuation of the office of Commissioner of Public Works."

The roll was called, and the Senate refused to concur in Assembly amendments by the following vote:

AYES—Senators Braunhart, Chapman, Currier, Cutter, Dickinson, Doty, Feeney, Gillette, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, and Wolfe—15.

NOES—Senators Bettman, Bulla, Burnett, Dwyer, Jones, Laird, Langford, La Rue, Rowell, Simpson, Sims, Smith, and Trout—13.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President appointed Senators Cutter, Smith, and Sims a committee of conference on Senate Bill No. 320.

The Secretary was directed to inform the Assembly, by message, of the action of the Senate on the Assembly amendments to Senate Bill No. 320.

MOTION.

On motion of Senator Cutter, action on Assembly amendments to Senate Bill No. 43 was postponed until two o'clock p. m. of this day.

RECESS.

At eleven o'clock and fifty-eight minutes a. m., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, March 16, 1899. }

The hour of twelve o'clock m. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25,

1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—39.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feiz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenster, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—80.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Wednesday, March 15, 1899. The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Wednesday, March 15, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, Langford, La Rue, Pace, Prisk, and Sims—11.

For James D. Phelan—Senator Hall—1.

Whole number of votes cast by Senators.....	39
W. H. L. Barnes received.....	7 votes.
D. M. Burns received.....	8 votes.
U. S. Grant, Jr., received.....	8 votes.
Irving M. Scott received.....	3 votes.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	11 votes.
James D. Phelan received.....	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—21.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Barea—3.

For Marion De Vries—Messrs. Brooke and Wardell—2.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, and White—16.

For James D. Phelan—Messrs. Burnett and Hoey—2.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	80
W. H. L. Barnes received.....	15 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	19 votes.
U. S. Grant, Jr., received.....	21 votes.
Irving M. Scott received.....	3 votes.
Marion De Vries received.....	2 votes.
Stephen M. White received.....	16 votes.
John Rosenfeld received.....	1 vote.
James D. Phelan received.....	2 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	119
Necessary to a choice.....	60
W. H. L. Barnes received.....	22 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	27 votes.
U. S. Grant, Jr., received.....	29 votes.
Irving M. Scott received.....	6 votes.
Marion De Vries received.....	2 votes.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	27 votes.
James D. Phelan received.....	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Chapman, Curtin, Langford, La Rue, Prisk, and Sims—7.

For R. F. Del Valle—Senators Braunhart, Doty, and Dwyer—3.

For James D. Phelan—Senator Hall—1.

For W. H. Alford—Senator Pace—1.

Whole number of votes cast by Senators	39
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	7 votes.
R. F. Del Valle received	3 votes.
James D. Phelan received	1 vote.
W. H. Alford received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lantie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Milice, Radcliff, Raub, Raw, and Works—21.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Bree—3.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Caminetti, Cowan, Fairweather, Feliz, Mack, Sanford Stewart, and White—8.

For James D. Phelan—Messrs. Burnett and Hoey—2.

For W. H. Alford—Messrs. Boone and Meserve—2.

For John Rosenfeld—Mr. Crowley—1.

For Lawrence Dwyer—Messrs. Hanley, E. D. Sullivan, and Wardell—3.

For Patrick Reddy—Mr. O'Brien—1.

For R. F. Del Valle—Messrs. Glenn and Griffin—2.

For George S. Patton—Mr. Mead—1.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	15 votes.
M. M. Estee received	1 vote.
D. M. Burns received	19 votes.
U. S. Grant, Jr., received	21 votes.
Irving M. Scott received	3 votes.
Marion De Vries received	1 vote.
Stephen M. White received	8 votes.
James D. Phelan received	2 votes.
W. H. Alford received	2 votes.
John Rosenfeld received	1 vote.
Lawrence Dwyer received	3 votes.
Patrick Reddy received	1 vote.
R. F. Del Valle received	2 votes.
George S. Patton received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	119
Necessary to a choice	60
W. H. L. Barnes received	22 votes.
M. M. Estee received	1 vote.
D. M. Burns received	27 votes.
U. S. Grant, Jr., received	29 votes.
Irving M. Scott received	6 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	15 votes.

R. F. Del Valle received	5 votes.
W. H. Alford received	3 votes.
James D. Phelan received	3 votes.
George S. Patton received	1 vote.
Patrick Reddy received	1 vote.
Lawrence Dwyer received	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

At twelve o'clock and forty minutes P. M., Assemblyman Wade moved to adjourn.

On question of adjournment, the roll call was demanded by Senator Boyce and Assemblymen Wade and Dibble.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Bettman, Bulla, Burnett, Currier, Dickinson, Feeney, Gillette, Hoey, Laird, Leavitt, Luchsinger, Morehouse, Rowell, Shortridge, Simpson, and Wolfe—16.

NOES—Senators Ashe, Boyce, Braunhart, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Hall, Jones, La Rue, Maggard, Nutt, Pace, Prisk, Sims, Smith, Stratton, Taylor, and Trout—22.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Boynton, Brooke, Burnett, Clough, Cobb, Conrey, Cosper, Crowly, Devoto, Dibble, Fairweather, Feliz, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Lardner, Lundquist, Marvin, McKeen, Melick, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Rickard, Stewart, Eugene Sullivan, Valentine, Wade, Wright, and Mr. Speaker—42.

NOES—Messrs. Bliss, Blood, Boone, Brown, Caminetti, Cargill, Chynoweth, Clark, Cowan, Crowder, Dale, De Lancia, Dunlap, Glenn, Greenwell, Griffin, Hanley, Hoey, Huber, Le Baron, Mack, McDonald of Alameda, McDonald of Tuolumne, Mead, Merrill, Merritt, Meserve, Milice, Muentner, Radcliff, Raub, Raw, Robinson, Sanford, E. D. Sullivan, Wardell, White, and Works—38.

The President of the Senate thereupon directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For *D. M. Burns*—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For *U. S. Grant, Jr.*—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For *Irving M. Scott*—Senators Davis, Flint, and Rowell—3.

For *John Rosenfeld*—Senator Feeney—1.

For *Stephen M. White*—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For *James D. Phelan*—Senator Hall—1.

Whole number of votes cast by Senators	38
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentzer, Robinson, and Valentine—15.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, and Works—21.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Barea—3.

For Stephen M. White—Messrs. Cowan, Feliz, Glenn, Hanley, Mack, O'Brien, Stewart, E. D. Sullivan, and White—9.

For George S. Patton—Boone, Brooke, Burnett, Caminetti, Fairweather, Griffin, Mead, Meserve, Sanford, and Wardell—10.

For James D. Phelan—Mr. Hoey—1.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	15 votes.
M. M. Estee received	1 vote.
D. M. Burns received	19 votes.
U. S. Grant, Jr., received	21 votes.
Irving M. Scott received	3 votes.
Stephen M. White received	9 votes.
George S. Patton received	10 votes.
James D. Phelan received	1 vote.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	118
Necessary to a choice	60
W. H. L. Barnes received	22 votes.
M. M. Estee received	1 vote.
D. M. Burns received	27 votes.
U. S. Grant, Jr., received	29 votes.
Irving M. Scott received	8 votes.
John Rosenfeld received	2 vote.
Stephen M. White received	19 votes.
James D. Phelan received	2 votes.
George S. Patton received	10 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and fifty-nine minutes P. M., on motion of Senator Leavitt, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Friday, March 17, 1899.

IN SENATE.

RECONVENED.

At one o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Brauhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, and Trout—29.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 150—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Senate Bill No. 402—An Act authorizing the Superintendent of Public Instruction to purchase necessary metallic filing and book cases, and to furnish and repair his office, and making an appropriation therefor.

Senate Bill No. 704—An Act authorizing the Governor to order the transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof to such funds.

Senate Bill No. 500—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.

Senate Bill No. 271—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Senate Bill No. 396—An Act making an appropriation to pay the claim of D. E. O'Keefe, for publishing summons in foreclosing interest of delinquent purchasers of State school lands.

Senate Bill No. 622—An Act making an appropriation to pay the contingent expenses of the Commissioners for the Revision and Reform of the Law for the forty-eighth, forty-ninth, and fiftieth fiscal years.

Senate Bill No. 623—An Act to appropriate the sum of \$81 18 to pay the claim of C. A. Williams, for money due and owing to the said C. A. Williams from the State of California.

Senate Bill No. 624—An Act to appropriate the sum of \$200 to pay the claim of Scott Calhoun, for money due and owing the said Scott Calhoun from the State of California.

Senate Bill No. 625—An Act to appropriate the sum of \$21 50 to pay the claim of M. G. Barrett, for money due and owing the said M. G. Barrett from the State of California.

Senate Bill No. 398—An Act to amend Section 5 of an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891.

Senate Bill No. 724—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk and the deputy clerks of the Clerk of the Supreme Court."

Senate Bill No. 725—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk and five deputy clerks of the Clerk of the Supreme Court."

JONES, Chairman.

Senate Bills Nos. 150, 402, 704, 500, 271, 396, 622, 623, 624, 625, 398, 724, and 725 ordered on file for third reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 20—Relative to an inquiry into the alleged servitude in Siberia of Ira Whitney and companions.

Also: Assembly Joint Resolution No. 11—Relative to construction of Nicaragua Canal, to be owned by United States.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

LEAVITT, Chairman.

Assembly Joint Resolutions Nos. 20 and 11 ordered on special file of Assembly bills.

ON MINES, DRAINAGE, AND DÉBRIS.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Débris, to whom was referred Assembly Bill No. 325—An Act relating to the liens of miners and others upon mining claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

DAVIS, Chairman.

Assembly Bill No. 325 ordered on special file of Assembly bills for second reading.

RECESS.

At one o'clock and ten minutes P. M., the hour of recess having arrived, the President declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Burnett, Chapman, Currier, Curtin, Cutter, Doty, Feeney, Flint, Hall, Jones, Langford, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

Quorum present.

SPECIAL ORDER.

Consideration of Assembly amendments to Senate Bill No. 43, being on this day set as a special order for this hour, the same was proceeded with.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 43?"

Strike out all of Section 1 after the compound word "ninety-nine," in line 2 of printed bill, down to and including the word "street," in line 3, and in lieu thereof insert the following: "the blocks and fractional blocks of State property bounded by Pacific, Davis, and East streets."

Also: Strike out the words "section four," in line 6, and insert in lieu thereof the words "blocks or fractional blocks."

Also: Strike out all after the word "said," in line 11, down to and including the word "four," in line 12, page 2, and insert the word "blocks."

Also: Strike out all after the word "prescribed," in line 19, page 2, down to the end of Section 1.

Also: Strike out the ";" (semicolon) after the word "prescribed," and insert a "." (period) in lieu thereof in line 19.

The roll was called.

CALL OF THE SENATE REFUSED.

Pending the announcement of the vote, Senator Cutter moved a call of the Senate.

Motion lost.

All members present having voted, the President pro tem. announced that the Senate refused to concur in the Assembly amendments to Senate Bill No. 43 by the following vote:

AYES—Senators Currier, Cutter, Davis, Dickinson, Doty, Langford, Maggard, Morehouse, Prisk, Simpson, Sims, and Trout—12.

NOES—Senators Ashe, Braunbart, Burnett, Chapman, Dwyer, Feeney, Jones, La Rue, Leavitt, Rowell, Shortridge, Smith, Stratton, Taylor, and Wolfe—15.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President pro tem. appointed Senators Leavitt, Langford, and Stratton a committee of conference on Senate Bill No. 43, in case the Assembly does not recede.

The Secretary was directed to inform the Assembly, by message, of the action of the Senate on Assembly amendments to Senate Bill No. 43.

MOTION.

Senator Dickinson moved to take up messages from the Assembly.
So ordered.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 714—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication.

Also: Assembly Bill No. 685—An Act entitled "An Act to prohibit the manufacture or sale or operation of any mechanical device or machine known as the slot machine, within the State of California."

Also: Assembly Bill No. 713—An Act for the protection and propagation of pheasants.

Also: Assembly Bill No. 646—An Act to provide special quarters in county, city and county jails, city jails, or police stations, for juvenile prisoners.

Also: Assembly Bill No. 527—An Act authorizing the Boards of Supervisors of all counties in this State to refund the indebtedness of said county, to issue bonds therefor, and to provide for the payment of the same.

Also: Assembly Bill No. 807—An Act providing for the payment of certain costs and expenses incurred in the arrest, keeping, examination, and trial of any convict committed to either of the State prisons of the State of California, and of any inmate of the Whittier State School or Preston School of Industry, including the costs of Coroners' inquests held on the body of any person confined in such prisons and schools.

Also: Assembly Bill No. 665—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth fiscal year.

Also: Assembly Bill No. 667—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the fiftieth fiscal year.

Also: Assembly Bill No. 1005—An Act to amend Sections 162 and 183 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

Also: Assembly Bill No. 867—An Act adding a new section to the Penal Code, to be known as Section 402, in relation to the running at large of hogs.

Also: Adopted Assembly Concurrent Resolution No. 23—Relative to constitutional amendments.

Also: Passed Assembly Bill No. 1006—An Act to create a Department of Public Works, to define the powers and duties thereof, and of the Secretary of Public Works, to fix his compensation, to provide for the officers and assistants of said department, and to make an appropriation for the payment of salaries and other expenditures thereof.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 524 ordered to enrollment.

Assembly Bill No. 714 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 685 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 713 read first time, and referred to Committee on Forestry, Fish, and Game.

Assembly Bill No. 646 read first time, and referred to Committee on State Prisons and Prison Buildings.

Assembly Bill No. 527 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bill No. 807 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 666 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 667 read first time, and referred to Committee on Finance and Claims.

Assembly Bill No. 1005 read first time, and referred to Committee on County Government and Township Organization.

Assembly Bill No. 867 read first time, and referred to Committee on Farming, Dairying, and Manufacturing Interests.

Assembly Bill No. 1006 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Concurrent Resolution No. 23 referred to Committee on Judiciary.

RESOLUTION—(CASE OF URGENCY).

The following resolution was offered by Senator Dickinson:

Resolved. That Assembly Bills Nos 1009 and 463 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Hoey, Jones, Langford, La Rue, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Trout, and Wolfe—27.

NOES—None.

Assembly Bill No. 1009—An Act to amend Sections 163, 167, 174, 196, 200, 204 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1009 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Rowell, Sims, Smith, Stratton, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 463—An Act to provide for the payment of \$180 to L. F. Eastin, proprietor of the Ventura Independent, for advertising constitutional amendments, and to make appropriation therefor.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 463 finally passed by the following vote:

AYES—Senators Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILLS.

Senators Morehouse, Dickinson, and Laird requested that they be granted permission to introduce bills, to be known as Senate Bills Nos. 748, 749, and 750.

On this question the roll was called, with the following result :

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Feeney, Flint, Hall, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, and Trout—29.

NOES—None.

Whereupon the President pro tem. announced that the aforementioned Senators having received the consent of two thirds of the members, as required by Section 2 of Article IV of the Constitution, were entitled to introduce bills.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Senator Dickinson: Senate Bill No. 748—An Act making an appropriation for repairing the roof, gutters, and conductors on the State Capitol building, and repairing the interior of the Capitol building, resulting and existing from defects in such roof, gutters, and conductors.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Morehouse: Senate Bill No. 749—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 of said Act, relating to and providing for the government of counties of the fourth class.

Read first time, and ordered on file for second reading, without reference to committee.

By Senator Laird: Senate Bill No. 750—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 185, 208, and 209 thereof.

Read first time, and ordered on file for second reading, without reference to committee.

MOTION.

On motion of Senator Dickinson, Assembly Bill No. 811 was taken up and considered.

Assembly Bill No. 811—An Act to appropriate the sum of \$1,600 to pay the claim of Evening Post Publishing Company, for money due and owing the said Evening Post Publishing Company from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 811 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Feeney, Flint, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Smith, Stratton, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 583—An Act to amend Section 2651 of the Political Code, relating to the General Road Fund and highway taxes.

Passed on file.

Assembly Bill No. 878—An Act to provide for the survey, location, and construction of a public highway or wagon road from the City of Merced to the Yosemite Valley, and making an appropriation therefor.

Read second time, and ordered to third reading.

Assembly Bill No. 552—An Act placing all companies selling certificates, bonds, or debentures with coupons attached thereto, on the partial payment or installment plan, doing business in this State, under the supervision and control of the State Board of Bank Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 552 finally passed by the following vote:

AYES—Senators Ashe, Braunnhart, Bulla, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Hall, Hoey, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Morehouse, Assembly Bills Nos. 594 and 13 were transposed on file.

Assembly Bill No. 594—An Act to appropriate the sum of \$25,000 to pay the claim of Claus Spreckels, for money due and owing to said Claus Spreckels from the State of California.

Read second time, and ordered to third reading.

Assembly Bill No. 325—An Act relating to the liens of miners and others upon mining claims.

Read third time.

Senator Davis moved that Senator Prisk be appointed a special committee of one, to amend the bill as follows:

Amend by striking out the whole of subdivision 11 in lines 82 to 89 inclusive, page 3, printed bill.

Also: Amend by striking out of Section 2, page 3 of printed bill, the words "from and " after the word "effect" and before the word "after," and inserting the following: "six months."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 325—An Act relating to the liens of miners and others upon mining claims—with instructions to amend, respectfully reports the same back, amended as per instructions.

PRISK, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print.

Assembly Bill No. 668—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 668 refused final passage by the following vote:

AYES—Senators Ashe, Bettman, Chapman, Curtin, Cutter, Dickinson, Doty, Feeney, Flint, Jones, Maggard, Morehouse, Shortridge, Simpson, Trout, and Wolfe—16.

NOES—Senators Braunhart, Bulla, Burnett, Currier, Dwyer, Gillette, Langford, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Smith, Stratton, and Taylor—17.

NOTICES OF MOTION TO RECONSIDER.

Senator Taylor gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Bill No. 668 was this day refused passage.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Ashe, who moved its adoption:

Resolved, That the Assembly be respectfully requested to instruct its Chief Clerk to perform his duties in attaching his signature to enrolled bills when tendered to him for his signature by the Enrolling Clerks of the Senate and Assembly.

Resolution read and adopted, and ordered immediately transmitted to the Assembly.

BILLS TRANSPOSED ON FILE.

On motion, Assembly Bills Nos. 925 and 334 were ordered transposed on file.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 334—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund money now in the San Francisco Depot Sinking Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 334 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Langford, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Stratton, Taylor, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 789—An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American War of 1898, their privileges and exemptions, and the legalizing of orders and acts regarding the reorganization of the National Guard of the State of California.

The bill having been read third time on a previous day, the question was on its passage.

The roll was called, and Assembly Bill No. 789 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Langford, Luchsinger, Maggard, Nutt, Prisk, Rowell, Simpson, Sims, Taylor, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 602—An Act to amend Section 2643 of the Political Code, relating to the road tax and its apportionment among road districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 602 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Hall, Hoey, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Simpson, and Smith—23.

NOES—Senators Gillette, Laird, Langford, Leavitt, Stratton, Taylor, and Trout—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 582—An Act to amend Section 2655 of the Political Code, relating to highway taxes to be expended in districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 582 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hoey, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Smith, and Wolfe—21.

NOES—Senators Laird and Trout—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 583—An Act to amend Section 2651 of the Political Code, relating to the General Road Fund and highway taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 583 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Luchsinger, Maggard, Morehouse, Rowell, Simpson, and Wolfe—21.

NOES—Senators Gillette, Laird, and Trout—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 755—An Act authorizing and directing the State Board of Health to conduct examinations relating to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 755 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Chapman, Currier, Cutter, Davis, Dwyer, Flint, Gillette, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—26.

NOES—Senators Hoey, Rowell, and Smith—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 252—An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner from June 1,

1873, to April 1, 1874, amounting to \$2,000, approved by the State Board of Examiners, and appropriating money to pay the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 252 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Chapman, Currier, Cutter, Davis, Dickinson, Flint, Gillette, Hall, Hoey, Laird, La Rue, Morehouse, Nutt, Pace, Prisk, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

COMMUNICATION—(OUT OF ORDER).

The following communication was received and read, and ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1899.

To the Senate of California:

GENTLEMEN: I beg leave to state that every bill presented to me up to this hour (four o'clock and ten minutes P. M.) has received my signature as Chief Clerk of the Assembly.

C. W. KYLE, Chief Clerk.

MOTION.

On motion of Senator Gillette, Assembly Bill No. 996 was taken up and considered.

Assembly Bill No. 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 996 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—28.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received:

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your committee of conference concerning Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of this Act—report that we have met a like committee of the Assembly, consisting of Assemblymen Melick, Milice, and Crowder, and we report that the conference committees have failed to agree, and recommend that a free conference committee of the Senate be appointed to confer with a like committee from the Assembly.

NUTT, Chairman.

Report read and adopted.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the above request, the President pro tem. appointed Senators Currier, Luchsinger, and Doty a committee of free conference on Assembly Bill No. 249.

At five o'clock and twenty minutes P. M., Hon. Frank W. Leavitt, State Senator from the Twenty-eighth District, in the chair.

CONSIDERATION OF ASSEMBLY BILLS OUT OF ORDER.

On motion of Senator Cutter:

Assembly Bill No. 180—An Act to provide aid for the use and support of high schools in the State of California, by the levy of a rate of taxation; the creation of a fund therefor; defining the duties of the Superintendent of Public Instruction and other officers concerning such schools, and the disbursements of moneys provided by this Act, and prescribing conditions upon which the same will be paid for the use and support of such schools.

During the second reading of bill, the following amendment was submitted by the committee:

Strike out in line 1, Section 14, page 5, printed bill, the word "June," and insert in lieu thereof the word "December."

Amendment adopted.

Bill read second time, ordered to print and third reading.

On motion of Senator Wolfe:

Assembly Bill No. 728—An Act appropriating money to pay the expenses of maintaining an exposition to be held in the City and County of San Francisco in 1901, to be known as the Pacific Ocean and International Exposition, and to provide commissioners therefor.

During the second reading of bill, the following substitute was offered by Senator Wolfe:

SUBSTITUTE FOR ASSEMBLY BILL NO. 728.

An Act appropriating money to pay the expenses of assisting in the maintenance of an exposition to be held in the City and County of San Francisco in 1901, to be known as the Pacific Ocean and International Exposition, and to provide commissioners therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is made the duty of the Governor of the State of California, within thirty days after the passage of this Act, to appoint fifteen commissioners, who shall constitute the "California Pacific Ocean and International Exposition" Commission, which commissioners shall be taken, as near as may be, from the leading political parties of the State of California. Said "California Pacific Ocean and International Exposition" Commission shall have exclusive charge and control of the expenditure of all moneys appropriated by the State of California for the construction of buildings, and to otherwise assist in maintaining an exposition to be held in the City and County of San Francisco, in nineteen hundred and one, to be known as the Pacific Ocean and International Exposition, which said exposition is now in charge of and under the control of a committee consisting of the State officers, the officers of the City and County of San Francisco, and other persons duly appointed, of which said committee J. B. Reinstein is now chairman, and R. P. Doolan is now secretary. Each of said commissioners shall file and execute with the Secretary of State, within thirty days after his appointment by the Governor, a good and sufficient bond, in the sum of twenty thousand dollars, made to the people of the State of California, which bond must be approved by the Governor. Said bond shall be conditioned for the faithful performance by said commissioner of all the duties enjoined upon him by this Act.

SEC. 2. Said commissioners shall receive no compensation for their services.

SEC. 3. The sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to meet the expenses of erecting buildings and to otherwise assist in maintaining an exposition to be held in the City and County of San Francisco

in nineteen hundred and one, to be known as the Pacific Ocean and International Exposition. The Controller is hereby directed to draw his warrant on the General Fund, from time to time, for such proportion of said sum of two hundred and fifty thousand dollars, and in favor of such persons, as the majority of said commissioners hereinabove referred to shall direct, and the Board of Examiners shall audit and the State Treasurer is hereby empowered and directed to pay the same until the entire sum hereby appropriated is exhausted; *provided*, that no money shall be paid out hereunder for any purpose prior to January first, nineteen hundred, and not more than one half thereof during the year nineteen hundred.

SEC. 4. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print.

On motion of Senator Maggard:

Assembly Bill No. 506—An Act to amend Sections 3, 5, 6, and 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out in Section 2 all of subdivision 1, printed bill, and inserting in lieu thereof the following: "1. A medical superintendent, who shall be a well-educated physician, a graduate of an incorporated medical college, of good moral character, and who has had not less than three years' experience in the care and treatment of the insane. The medical superintendent, and all the assistant physicians, of the homeopathic hospital for its insane, shall be homeopathic physicians. Its superintendent shall be a well-educated physician, a graduate of an incorporated medical college, of good moral character, and who has had not less than three years' experience in the care and treatment of the insane in hospitals for the treatment of the insane."

Amendment adopted.

Also: Amend by inserting in line 62, page 4, printed bill, before the word "Superintendent" the word "general."

Amendment adopted.

Also: Amend by inserting in line 62, page 4, printed bill, after the word "Superintendent" the following: "of State hospitals."

Amendment adopted.

Also: Amend by striking out of Section 3, lines 64, 65, 66, and 67, being subdivision 6 of printed bill, and inserting in lieu thereof the following:

"6. The Medical Superintendent may remove any resident officer or employé for cause pending the meeting of the Board of Managers. The removal of employés, other than resident officers, shall be reported to the Board of Managers for their action, which shall be final, and in the case of resident officers notice in writing must be immediately given to the resident officer removed, and to each member of the Board of Managers. At the next meeting of the Board of Managers, or at the meeting to which it has been regularly postponed, such removal shall be considered and the person removed be heard, after which the managers shall determine what shall be done in the matter, which judgment shall be final. If the officer or employé be removed, the Superintendent shall make a record thereof, with the reasons therefor, under the appropriate head in one of the books of the hospital. Any officer or employé of a State hospital taking an active part in politics, either directly or indirectly, shall be summarily removed from such hospital.

"7. The superintendent, assistant physicians, steward, supervisor, and matron, shall reside in the hospital or on the premises, and shall be designated the resident officers of the hospital;

"(c) Transmit, by mail, to the State Lunacy Commission, within five days after such discharge has been approved by the Board of Managers, information of any such discharge, and the cause thereof. The commission shall preserve the name of any such officer, or employé, with the facts relating to his discharge, in a book provided for that purpose;

"(d) Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity, and economy in every department of labor and expense;

"(e) Maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital;

"(f) Cause full and fair accounts and records of the entire business and operation of the hospital, to be kept regularly, from day to day, in books or forms provided for that purpose;

"(g) See that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, be presented to the managers within thirty days thereafter, who shall incorporate it in their report to the commission.

"(h) Keep a book, in which he shall cause to be entered at the time of reception of any patient, his name, residence, and occupation, and the date of such reception, by whom brought, and by what authority, and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying such person;

"(i) The Medical Superintendents shall be required to prepare and keep the payrolls of the hospitals, and to collect all moneys; keep the accounts for the support of the patients, and expenses incurred in their behalf; furnish the Treasurer statements thereof as they fall due, turn all moneys collected over to the Treasurer, and report same to the Board of Managers at each meeting; notify the Treasurer of the death or discharge of reimbursing or pay patients, within five days after such death or discharge;

"(j) Prepare triplicate estimates of the amount, kind, and quality of furniture and household furnishing goods, provisions, fuel, forage, clothing, or material for clothing, and other material required for the twelve months ending June thirtieth of each year, which shall be approved by the Board of Managers, unless a different time be allowed by the commission. He shall submit two of the triplicate estimates to the commission, and file the third in his office. The commission may revise the estimate for supplies, either as to quality or quantity thereof, and shall certify that it has carefully examined the same, and that the articles contained in such estimate, as approved by it, are actually required for the use of the hospital; whereupon, after having approved the estimates the commission shall, beginning upon the fifteenth day of the month preceding the month in which contracts are to be let, advertise, for four successive weeks, for contracts for furnishing such supplies; said advertisement being in brief, referring to the class of supplies and the fact that all contemplated bidders can receive schedules by applying to the superintendents or secretaries of the various hospitals, or the State Commission. All contracts shall be awarded to the lowest responsible bidder, or bidders, upon their giving to the Board of Managers a bond, amounting to one fourth of their actual bids, as security for the faithful performance of the same. The Board of Managers reserve the right to reject any and all bids submitted to them;

"(k) Prepare monthly triplicate estimates as approved by the Board of Managers, two of which must be submitted to the commission and the other filed in the superintendent's office, for necessary expenditures required for the hospital of which he is superintendent, for the ensuing month. The commission may revise estimates for supplies, either as to the quality, quantity or price thereof, and shall certify that they have been carefully examined, and that the articles contained in such estimates, as approved by it, are actually required for the use of the hospital; whereupon the Board of Managers shall direct the superintendent to secure the supplies according to the approved estimates."

Amendment adopted.

Bill read second time, ordered to print and third reading.

On motion of Senator Taylor:

Assembly Bill No. 828—An Act to appropriate the sum of \$400 to pay the claim of Argus Publishing Company, for money due and owing the said Argus Publishing Company from the State of California.

Read second time, and ordered to third reading.

Also: Assembly Bill No. 907—An Act to appropriate the sum of \$400 to pay the claim of the Alameda Encinal, for money due and owing the said Alameda Encinal from the State of California.

Read second time, and ordered to third reading.

On motion of Senator Burnett:

Assembly Bill No. 589—An Act to establish, ratify, and confirm the north boundary line of San Mateo County, between the counties of San Mateo and San Francisco, as the same was surveyed by Charles S. Tilton, William B. Gilbert, and D. Bromfield, between August 28 and December 28, 1898, to be the true boundary line between the counties of San Mateo and San Francisco, State of California.

Read second time, and ordered to third reading.

MOTION.

Senator Dickinson moved to take up messages from the Assembly.
So ordered.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 24—Relating to the adoption of a special joint rule affecting the consideration of bills during the remainder of the session.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

MOTION.

Senator Dickinson moved that Assembly Concurrent Resolution No. 24 be now considered.

So ordered.

ASSEMBLY CONCURRENT RESOLUTION No. 24.

Resolved by the Assembly, the Senate concurring, That the following special Joint Rule be adopted:

SPECIAL JOINT RULE I.

After twelve o'clock midnight, March 16, 1899, no Assembly bills shall be passed by the Assembly, except Assembly bills in conference, and no Senate bills shall be passed by the Senate, except Senate bills in conference. This special joint rule shall not apply to the General Appropriation Bill, the Tax-Levy Bill, or amendments to the County Government Act, and bills that have been delayed by notice of reconsideration.

During the reading of resolution, Senator Stratton moved to amend as follows:

Amend by inserting after the words "General Appropriation Bill," the words "constitutional amendments, bills for the support of any claims against State institutions, repairs to State buildings, for the relief and support of State commissions and officers."

Amendment adopted.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 24 adopted by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Gillette, Jones, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Sims, Stratton, Taylor, and Wolfe—24.

NOES—Senator Laird—1.

SECOND READING OF ASSEMBLY BILLS.

Senator Bulla moved that all Assembly bills on file not yet read a second time be taken up and read.

Motion carried.

BILLS TRANSPOSED ON FILE.

On motion of Senator Bulla, Assembly Bills Nos. 478 and 105 were transposed on file.

MOTION TO TAKE A RECESS.

At five o'clock P. M., Senator Morehouse moved to take a recess until eight o'clock P. M.

Senator Bulla moved to amend by inserting seven o'clock and thirty minutes in lieu of eight o'clock.

Amendment adopted.

RECESS.

At five o'clock p. m., acting President Leavitt declared the Senate at recess until seven o'clock and thirty minutes p. m. of this day.

RECONVENED.

At seven o'clock and thirty minutes p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Simpson, Smith, Taylor, and Trout—23.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Curtin:

Resolved, That Senate Bills Nos. 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 749, and 750, and Committee substitutes for Senate Bills Nos. 36, 263, 622, 183, 171, 697, 166, 629, 291, 533, 128, 287, 447, 733, 748, 516, 678, 658, 488, 725, 724, 712, and 271 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that a bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and the above numbered Senate bills declared cases of urgency by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Rowell, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—28.

NOES—Senator Bettman—1.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received:

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your committee of free conference concerning Assembly Bill No. 249 hereby report that they have met a like committee from the Assembly, and recommend as follows:

1. That the Senate recede from its Amendment No. 1.
2. That Senate Amendment No. 2 be amended to read as follows: "*provided*, that in case of animal tankage, sold as such for manurial purposes, a deficiency of not more than one per cent of nitrogen, or one and one half per cent of phosphoric acid, or one half of one per cent of potash, shall not subject the manufacturer to the penalties provided in this Act."

CURRIER (Chairman),
DOTY,
LUCHSINGER,
Committee of Free Conference.

Report read.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Simpson, Taylor, and Trout—22.

NOES—Senators Dwyer and Laird—2.

The Secretary was directed to inform the Assembly, by message, of the above action on Assembly Bill No. 249.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 487—An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653½, relating to the fees charged by employment agencies.

Senate Bill No. 146—An Act to amend Sections 1917, 1918, and 1920 of the Civil Code, relating to legal rate of interest.

Senate Bill No. 554—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Senate Bill No. 363—An Act providing that all encampments of the National Guard shall be held at the State Camp of Instruction, unless otherwise ordered.

Senate Bill No. 662—An Act to amend Section 1416 of the Civil Code, relative to water rights.

Senate Bill No. 177—An Act to add two new sections to the Civil Code, to be known as Sections 433 and 434 thereof, relating to the form of fire insurance policies.

Senate Bill No. 282—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Senate Bill No. 206—An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children, by the erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same.

Senate Joint Resolution No. 19—Resolution as to making upon the Island of Molokai a leper hospital for the care of all lepers within the United States.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Senate Bill No. 336—An Act to amend Section 592 of the Penal Code of the State of California.

Senate Bill No. 228—An Act to appropriate \$80,000 to complete and equip the building now being constructed for the use of the State Normal School at San Diego, California.

Senate Bill No. 731—An Act to amend the Penal Code.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 14th day of March, 1899, at three o'clock P. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Concurrent Resolution No. 12—Relative to the consent of the Legislature to absence from the State of State Senator H. L. Pace of Tulare for a period not to exceed six months.

Also: Senate Bill No. 54—An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall, thoroughfare, and belt-line railroad of the Harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Also: Senate Bill No. 75—An Act making an appropriation to pay the claim of J. W. Sibole.

Also: Senate Bill No. 70—An Act to appropriate \$11,500 for the furnishing of the administration building and two male wards of the Mendocino State Hospital; to make the necessary changes in attics to protect the hospital buildings against fire; to appropriate money therefor, and provide for the expenditure of the same.

Also: Senate Bill No. 155—An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition.

Also: Senate Bill No. 210—An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children, by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 205—An Act to amend an Act of the Legislature entitled "An Act concerning agricultural societies," approved March 12, 1859, and to authorize agricultural societies formed under said Act to borrow money and secure the payment of the same, or to sell property to pay the existing debts of said societies.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 16th day of March, 1899, at eleven o'clock A. M.

JONES, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly engrossed: Senate Bill No. 171—An Act to amend Section 1 of an Act entitled "An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns," approved March 9, 1883.

JONES, Chairman.

Senate Bill No. 171 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Assembly Bill No. 646—An Act to provide special quarters in county, city and county jails, city jails, or police stations, for juvenile prisoners—have had the same under consideration, and respectfully report the same back without recommendation.

BULLA, Chairman.

Assembly Bill No. 646 ordered on special file of Assembly bills for second reading.

ON FORESTRY, FISH, AND GAME.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Forestry, Fish, and Game, to whom was referred Assembly Bill No. 713—An Act for the protection and propagation of pheasants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Assembly Bill No. 713 ordered on special file of Assembly bills for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 818—An Act to amend Section 832 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TAYLOR, Chairman.

Assembly Bill No. 818 ordered on special file of Assembly bills for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 780—An Act to amend Section 647 of the Penal Code of California, relating to vagrants.

Also: Assembly Bill No. 714—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 738—An Act authorizing and directing refund to parties, their attorneys, their heirs and assigns, of unconsumed portions of money deposited as security for costs in actions and proceedings in District Courts and Superior Courts of this State, approved March 5, 1870—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GILLETTE, Chairman.

Assembly Bills Nos. 780, 714, and 738 ordered on special file of Assembly bills for second reading.

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 696—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth fiscal year.

Also: Assembly Bill No. 667—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the fiftieth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DICKINSON, Chairman.

Assembly Bills Nos. 666 and 667 ordered on special file of appropriation and claims bills.

ON COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on County Government and Township Organization, to whom was referred Assembly Bill No. 1005—An Act to amend Sections 162 and 183 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 527—An Act authorizing the Boards of Supervisors of all counties in this State to refund the indebtedness of said county, to issue bonds therefor, and to provide for the payment of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOREHOUSE, Chairman.

Assembly Bills Nos. 1005 and 527 ordered on special file of Assembly bills for second reading.

ON FARMING, DAIRYING, AND MANUFACTURING INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Farming, Dairying, and Manufacturing Interests, to whom was referred Assembly Bill No. 867—An Act adding a new section to the Penal Code, to be known as Section 402, in relation to the running at large of hogs—have had the same under consideration, and respectfully report the same back without recommendation.

NUTT, Chairman.

Assembly Bill No. 867 ordered on special file of Assembly bills for second reading.

SECOND READING OF ASSEMBLY BILLS.

Senator Bulla moved that the second reading of Assembly bills be continued until eight o'clock and thirty minutes p. m.

So ordered.

Assembly Bill No. 765—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874, extending the time during which the Board of Directors may sit as a Board of Equalization.

Read second time, and ordered to third reading.

Assembly Bill No. 727—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California.

Read second time, and ordered to third reading.

Assembly Bill No. 538—An Act authorizing the appointment of a Commissioner of Irrigation to coöperate with the Director of the United States Geological Survey in surveys and estimates of costs of reservoirs and dams for storing flood waters for irrigation, mining, and industrial purposes, and appropriating money to carry out the provisions of this Act.

Read second time, and ordered to third reading.

Assembly Bill No. 504—An Act to amend Sections 21, 22, 26, 28, 42, and 57 of an Act entitled "An Act to provide for the organization and

government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such district; and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read second time, and ordered to third reading.

Assembly Bill No. 239—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

Read second time, and ordered to third reading.

Assembly Bill No. 255—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known and numbered as Section 2664, relating to highway taxes.

Read second time, and ordered to third reading.

Assembly Bill No. 331—An Act to amend Section 2253 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes.

Read second time, and ordered to third reading.

Assembly Bill No. 417—An Act to provide for the construction of a free wagon road from Tallac to McKinney's, along the western shore of Lake Tahoe, and making an appropriation therefor.

Read second time, and ordered to third reading.

Assembly Bill No. 731—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Sections 852, 862, 874, and 875 thereof.

Read second time, and ordered to third reading.

Assembly Bill No. 987—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers."

Read second time, and ordered to third reading.

Assembly Bill No. 435—An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State, at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Read second time, and ordered to third reading.

Assembly Bill No. 447—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by repealing Section 11½ thereof, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water, approved March 2, 1897.

Read second time, and ordered to third reading.

Assembly Bill No. 677—An Act to regulate the business of commission merchants, agents, factors, or brokers, dealing in farm produce, poultry, grain, fruit, seeds, honey, or dairy produce.

Read second time, and ordered to third reading.

Assembly Bill No. 878—An Act to provide for the survey, location,

and construction of a public highway or wagon road from the City of Merced to the Yosemite Valley, and making an appropriation therefor.

Read second time, and ordered to third reading.

Assembly Bill No. 916—An Act to amend an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, etc.," approved March 9, 1885.

Read second time, and ordered to third reading.

Assembly Bill No. 652—An Act to create a Board of Commissioners of Building and Loan Associations, to fix and prescribe its powers and duties, and to repeal all conflicting Acts.

Denied second reading.

Assembly Bill No. 385—An Act regulating the mode of operating mines where blasting is being done.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "to enforce these requirements, and" in line 4, Section 2, page 2, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 956—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Read third time.

Senator Stratton moved that Senator Taylor be appointed a special committee of one to amend the bill as follows:

Amend by striking out of Section 1, line 3, printed bill, the figures "10," and inserting in lieu thereof the figure "7."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 956—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays—with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 585—An Act to amend Section 529 of the Code of Civil Procedure of the State of California, relating to injunctions, approved April 15, 1880.

Denied second reading.

Assembly Bill No. 613—An Act requiring hotel and lodging-house keepers to keep ropes in sleeping-rooms to facilitate escape in cases of fire.

Denied second reading.

Assembly Bill No. 908—An Act to amend Section 1880 of the Code of Civil Procedure, relating to witnesses.

Denied second reading.

Assembly Bill No. 428—An Act to provide for the payment of the bounty due Joseph Schwindel under an Act entitled "An Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the

same, and to levy a tax to pay such bonds," approved April 4, 1864, and making an appropriation therefor.

Denied second reading.

Assembly Bill No. 950—An Act to provide for certain improvements and repairs at the State Normal School at San José, and making an appropriation therefor.

Read second time, and ordered to third reading.

Assembly Bill No. 139—An Act to authorize the transfer of \$40,000 from the General Fund to the State School-Book Fund, and providing for its expenditure.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out of the title the word "forty" and inserting in lieu thereof the following: "twenty-five."

Amendment adopted.

Also: Amend by striking out of Section 1 line 3 the word "forty" and inserting in lieu thereof the following: "twenty-five."

Amendment adopted.

Also: Amend by striking out of Section 1 line 9 the word "eighteenth" and inserting in lieu thereof the following: "ninth."

Amendment adopted.

Also: Amend by striking out of Section 1 line 9 the word "seven" and inserting in lieu thereof the following: "three."

Amendment adopted.

Also: Amend by striking out of Section 2 line 1 the figure "2" and inserting in lieu thereof the following: "3."

Amendment adopted.

Also: Amend by adding a new section, to be known and numbered as Section 2: "The State Board of Education is hereby authorized to use such sum as may be necessary, not exceeding five thousand dollars of the money thus transferred for the purpose of completing the revision of the state series of text-books as provided in an Act entitled, An Act to provide for the revision of certain books of the state series of school text-books, for the completion of an additional book of said series and for the continued publication of the same; and to authorize and direct the use for these purposes of the money accumulated in the State School Book Fund, approved March 9, 1893."

Amendment adopted.

Also: Amend by striking out of Section 2 line 1 the word "immediately" and inserting in lieu thereof the following: "January first, nineteen hundred."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 525—An Act making an appropriation to pay the claim of A. L. Wood for \$700, being a reward offered for the arrest and conviction of Francisco Torres.

Read second time, and ordered to third reading.

Assembly Bill No. 642—An Act to appropriate the sum of \$300 to pay the claim of Theodore Pliesch, for money due and owing to the said Theodore Pliesch from the State of California.

Read second time, and ordered to third reading.

Assembly Bill No. 697—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State offices for the fiftieth fiscal year.

Read second time, and ordered to third reading.

Assembly Bill No. 630—An Act to appropriate the sum of \$17,000

for the purpose of establishing a water sprinkling and pumping plant in the Yosemite Valley.

Denied second reading.

Assembly Bill No. 372—An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed, approved March 26, 1895, by amending Section 1 thereof, and repealing Sections 2, 3, and 4 thereof.

Read second time, and ordered to third reading.

Assembly Bill No. 99—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Read second time, and ordered to third reading.

Assembly Bill No. 414—An Act entitled "An Act to amend Section 3009 of the Political Code," relating to the appointment of officers and employes of the San Francisco Board of Health.

During the second reading of bill, the following amendment was submitted by the committee:

Strike out, commencing with the word "shall," at the end of line 22, page 2, Section 1, and all thereafter down to and including the word "year," in line 27, said page 2, Section 1, and insert in lieu thereof the following: "may annually appoint from the recently graduated physicians nominated from the above mentioned medical colleges, three from the College of Physicians and Surgeons of San Francisco, three from the medical department of the University of California, and three from the Cooper Medical College, to serve as internes to the hospital wards, which internes shall be nominated, respectively, by the institutions from which they are appointed, and shall serve not exceeding one year."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 383—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

During the second reading of bill, the following amendment was offered by Senator Simpson:

Amend by striking out all of subdivision 16, page 9, and inserting the following: "16. This Act shall take effect and be in force from and after the first day of January, Anno Domini nineteen hundred and three."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Shortridge, Simpson, and Wolfe.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Bettman, Boyce, Burnett, Curtin, Dwyer, Hall, Hoey, Laird, La Rue, Leavitt, Morehouse, Pace, Shortridge, Simpson, Taylor, and Wolfe—16.

NOES—Senators Brauhart, Bulla, Currier, Cutter, Dickinson, Gillette, Jones, Luchinger, Rowell, Smith, Stratton, and Trout—12.

Bill read second time, ordered to print and third reading.

TIME EXTENDED FOR THE SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Morehouse, the time for considering the second-reading file of Assembly bills was extended until nine o'clock P. M.

At eight o'clock and twenty-five minutes p. m., Hon. S. C. Smith, State Senator from the Thirty-fourth District, in the chair.

Assembly Bill No. 1007—An Act to define the boundary lines of the several counties, and cities and counties, of the State, and to define the powers and duties of certain officers in relation thereto.

Read second time, and ordered to third reading.

Assembly Bill No. 1008—An Act to create a Joint Board of Trustees for the Whittier State School and the Preston School of Industry, to define its duties and powers, and to provide for the classification of inmates therein.

Read second time, and ordered to third reading.

Assembly Bill No. 234—An Act to amend Section 1188 of the Civil Code of the State of California, relating to certificates of acknowledgment.

Denied second reading,

Assembly Bill No. 558—An Act making an appropriation to pay for concrete floor in basement of the State Capitol, and for ventilating said basement, and requiring that the work be done under the direction of the Secretary of State.

Read second time, and ordered to third reading.

Assembly Bill No. 627—An Act to amend Section 876 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time, and ordered to third reading.

Assembly Bill No. 237—An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used.

Read second time, and ordered to third reading.

Assembly Bill No. 757—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as Section 653½.

Read second time, and ordered to third reading.

Assembly Bill No. 314—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Hartley R. Hodgson, N. G. C.

Read second time, and ordered to third reading.

Assembly Bill No. 892—An Act to provide for the appointment of an unsalaried commission to investigate and report upon methods for the preservation of the forests of the State.

Read second time, and ordered to third reading.

Assembly Bill No. 937—An Act to amend Sections 1637 and 1638 of Chapter III, Title III, Part III, of the Political Code, relating to the school law of the State of California.

Read second time, and ordered to third reading.

Assembly Bill No. 712—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location.

Read second time, and ordered to third reading.

Assembly Bill No. 899—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads.

Read second time, and ordered to third reading.

Assembly Bill No. 729—An Act authorizing the appropriation of moneys by the several counties, and cities and counties, and the municipal corporations, for the purpose of advancing and maintaining their respective interests, by exhibit of products and otherwise, at the Pacific Ocean and International Exposition.

Read second time, and ordered to third reading.

Assembly Bill No. 846—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Read second time, and ordered to third reading.

Assembly Bill No. 758—An Act to amend Sections 649 and 650 of the Civil Code.

Read second time, and ordered to third reading.

Assembly Bill No. 741—An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor; and to prescribe the punishment for a violation of the game laws of this State."

Read second time, and ordered to third reading.

Assembly Bill No. 825—An Act to provide for the organization and management of livestock insurance companies.

Read second time, and ordered to third reading.

Assembly Bill No. 995—An Act to create and regulate public warehouses.

Read second time, and ordered to third reading.

BILLS THIS DAY MADE CASES OF URGENCY.

Senate Bill No. 678—An Act to amend Sections 1, 8, 12, 14, and 16 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 20, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 26, 1895, and increasing the number of said commissioners to five, and relating to their qualifications, appointment, powers, duties, salaries, expenses, and terms of office, and to the recording and notice of assignments of mortgages and deeds of trust held by savings banks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 678 refused passage by the following vote:

AYES—Senators Bettman, Burnett, Currier, Dickinson, Hoey, Leavitt, Morehouse, Simpson, and Taylor—9.

NOES—Senators Ashe, Boyce, Brauhart, Bulla, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Gillette, Jones, Laird, La Rue, Pace, Prisk, Rowell, Shortridge, Smith, Trout, and Wolfe—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 678 was this day refused passage.

Senate Bill No. 516—An Act to amend Section 1726 and Section 1732 of the Code of Civil Procedure of the State of California, relating to the duties of Public Administrator.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 516 passed by the following vote:

AYES—Senators Burnett, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Laird, La Rue, Leavitt, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—22.

NOES—Senator Bulla—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 287—An Act to amend Section 501 of the Civil Code of the State of California, relating to street railroad cars.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 287 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Currier, Cutter, Davis, Dickinson, Feeney, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Shortridge, Simpson, Taylor, Trout, and Wolfe—24.

NOES—Senator Braunhart—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 171—An Act to amend Section 1 of an Act entitled “An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns,” approved March 9, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 171 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Burnett, Currier, Curtin, Davis, Dwyer, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Simpson, Taylor, and Trout—22.

NOES—Senators Bulla, Dickinson, Doty, Shortridge, and Smith—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 128—An Act to amend Sections 537, 538, and 539 of the Code of Civil Procedure, relating to attachments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 128 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Currier, Curtin, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Jones, Luchsinger, Maggard, Morehouse, Pace, Prisk, Rowell, Shortridge, Simpson, and Wolfe—23.

NOES—Senator Sims—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Braunhart gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 128 was this day passed.

Senate Bill No. 724—An Act entitled “An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and the manner of payment of, and making an

appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Clerk of the Supreme Court."

Read third time.

• The question being on the passage of the bill.

The roll was called, and Senate Bill No. 724 passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Gillette, Hall, Laird, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Simpson, Smith, Trout, and Wolfe—22.

NOES—Senators La Rue and Pace—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 725—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk and five deputy clerks of the Clerk of the Supreme Court."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 725 passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Jones, Laird, Maggard, Morehouse, Nutt, Prisk, Shortridge, Smith, and Wolfe—21.

NOES—Senator La Rue—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 533—An Act to prohibit trespassing upon locomotive engines, freight or passenger cars, or trains, and to provide a punishment therefor.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out Section 3, lines 1 to 7, page 2, printed bill, and renumbering Sections 4 and 5 as Section 3 and Section 4.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 291—An Act to provide for the organization of mutual corporations to transact the business of life, health, and accident insurance on the stipulated premium plan, and the conduct of the business of such corporations, and to repeal an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891.

During the second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 291.

An Act to provide for the organization of mutual corporations to transact the business of life insurance on the stipulated premium plan, and the conduct of the business of such corporations.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Mutual corporations may be formed by the voluntary association of twenty-five (25) or more persons (a majority of whom shall be citizens and residents of this State) in the manner provided by the provisions of the Civil Code of this State, to transact the business of life insurance and every insurance pertaining thereto, upon the stipulated premium plan, and shall be subject only to the provisions of this Act. They shall file in the office of the Insurance Commissioner of this State a certificate signed by

each of them, stating their intention to form such a corporation. A copy of the articles of incorporation which they propose to adopt, which shall fully set forth the kind of insurance to be undertaken, and such other certificates as it may, in the opinion of the Insurance Commissioner, be necessary to explain and make manifest the object and purposes of the corporation. Such certificates shall be proved or acknowledged and recorded in a book to be kept for that purpose by the Insurance Commissioner, and a certified copy thereof delivered to the persons executing the same. Such corporations shall also, as a condition precedent to issuing any contracts of membership and insurance, obtain the written certificate of the Insurance Commissioner that it has complied with the requirements of this Act: and that the name of the corporation is not the same as that of any other corporation of this or other States, as indicated by the insurance department reports in his office; nor shall the Commissioner approve any name or title so closely resembling another as to mislead the public. No corporation formed hereunder shall have legal existence after one year from the date of its articles, unless its organization has been completed and business commenced; nor shall any corporation or individual solicit, or cause to be solicited, any business, except for preliminary organization, until such corporation shall have received a certificate of approval from the Insurance Commissioner, and shall have complied with the provisions of section six hundred and thirty-three of the Political Code of this State.

Sec. 2. Upon receipt of the certified copy of the certificate of approval from the Insurance Commissioner, the persons signing such certificate shall publish daily for six (6) successive weeks, in a paper published in the county in which the home office of such corporation is to be located, notice of their intention to form such corporation. No such corporation shall commence the business of insurance until at least two hundred (200) persons eligible under the proposed plan of the corporation have subscribed in writing to become members thereof, and to be insured therein, and each applicant has been examined by a reputable physician, who has certified that such applicant is in good health and a fit subject for life insurance. Such applications for membership and insurance shall, in the aggregate, amount to at least five hundred thousand dollars (\$500,000), and each member shall have paid in the amount in cash of one annual stipulated net premium for their age of entry on the amount of insurance severally subscribed for, and the same is deposited in a duly incorporated bank, as a reserve fund, to the credit of said corporation, to be held in trust for the benefit of the members and beneficiaries; no such corporation shall issue any contract of insurance until such corporation has deposited with the Insurance Commissioner of this State the sum of twenty-five thousand dollars (\$25,000). This sum shall be invested in bonds or securities, approved by the Insurance Commissioner of this State, or deposited in some bank where it will earn interest. Said bonds or securities or evidence of such deposit, shall be placed by the Insurance Commissioner of this State with the State Treasurer, and the principal sum shall be held in trust for the members and their beneficiaries of such corporation, with the right in the corporation to exchange such bonds, securities or evidence of bank deposit for others of like value, and thereafter such corporations may invest their accumulated funds in such securities as is lawful for life insurance companies to invest their assets. Every policy or certificate issued by any corporation organized under the provisions of this Act shall recite that the insured, under such policy or certificate, is a member of such corporation. The members and officers of any corporation organized under the provisions of this Act shall have all the rights and powers, and be subject to all the obligations that apply to and govern stockholders and officers, as provided for under the Constitution and general laws of this State.

Sec. 3. Any corporation or association which issues any policy, certificate or other evidence of interest to, or makes any promise or agreement with its members or policy holders whereby any money or other benefit is to be paid to a member or policy holder, or upon his decease to his legal representatives or the beneficiary designated by him, which money or benefit is derived from stipulated premiums, collected from its policy holders, or members of a class therein, or from interest or accumulations, and wherein the money or other benefits so realized is applied to or accumulated for the use and purposes of such corporation or association, as herein specified, and the expenses of its management and prosecution of its business, shall be deemed to be engaged in the business of life insurance, upon the stipulated premium plan, and shall be subject only to the provisions of this Act.

Sec. 4. Any domestic life insurance corporation, association or society existing and also actually doing business at the time this Act takes effect, may reincorporate under the provisions of the Civil Code of this State, and by filing a sworn statement, signed by its President and Secretary, with the Insurance Commissioner, that it has accumulated assets equal in amount to the reserve required by the provisions of this Act on all of its existing contracts, and in addition deposit the sum of twenty-five thousand dollars (\$25,000), as required by the provisions of section two of this Act: provided, that it shall not be obligatory upon such corporation, association or society to reincorporate, and any such existing corporation shall continue to exercise all its rights, powers, and privileges conferred by its articles of incorporation and the then existing laws. The reincorporating of any existing domestic corporation, association or society under the provisions of this Act shall in no way annul, modify or change any existing contract, contracts or liabilities of such existing corporation, association or society; and any and all such contracts and liabilities shall continue in full force and effect the same as though such corporation, association or society had not reincorporated under this Act. Neither shall the reincorporating of any

such corporation, association or society under the provisions of this Act in any way prejudice, impede or impair any pending action or proceeding, or any rights previously accrued.

SEC. 5. Every life insurance corporation or association doing business under the provisions of this Act shall charge a net premium calculated upon the actuaries' or combined experience table of mortality, with interest at the rate of four per centum per annum, equal to that of a yearly term insurance, at the age of entry. Such premium shall be increased by a loading of not less than twenty-five per centum, and may be paid either annually, semi-annually, quarterly, or bi-monthly in advance.

SEC. 6. Every such life insurance corporation or association shall accumulate, and at all times maintain, a reserve fund of not less than one net bi-monthly, quarterly, semi-annual, or annual premium, according to the terms of contract, upon all its outstanding policies and certificates, which net premium shall equal the amount called for by the actuaries' or combined experience table of mortality at the attained age of the insured, computed and specified in section five. If the amount of such reserve fund is at any time reduced to less than one such net premium upon all its outstanding policies or certificates at the attained age of the insured, such deficiency shall be made up and restored to such fund within three months thereafter. Should such impairment of the reserve fund not be made good within three months, then the Insurance Commissioner shall require the officers of such corporation, or association, to forthwith notify its policy holders or a class therein, to pay within thirty days from the mailing of such notice, an extra premium, sufficient to meet such deficiency, apportioned pro rata to the amount of their insurance and to the difference between the actual net premium paid and the net premium at attained age. If any member or policy holder shall fail to pay such extra premium within the time named, the corporation or association shall scale down the policy or certificate of each and every policy holder so failing to pay to such an amount as is necessary to meet the reserve fund to his credit, equal to said net premium on his insurance remaining in force, which amount shall be the maximum for which the corporation or association shall be liable under this policy or certificate. Said thirty-day notice shall clearly state the proportionate amount of the impairment due from the policy holder, and shall contain the further statement that in the event of failure to pay the same within thirty days after the mailing of such notice, his policy shall be scaled down as aforesaid. The provisions of this section shall not apply to policies or certificates mentioned and described in section eight.

SEC. 7. Any corporation or association doing business under this Act may issue limited payment policies or certificates; *provided*, such policies or certificates distinctly state the reserve required to be accumulated and maintained thereunder, which shall be computed on the net premium basis according to the actuaries' or combined experience table of mortality, with interest at four per centum per annum, and shall be held by and charged against such corporation in lieu of the reserve provided for in section six.

SEC. 8. Any corporation or association doing business hereunder may issue contracts guaranteeing to pay cash values; *provided*, the amount of reserve computed, and to be set apart for such cash value, is plainly stated in the contract or certificate; *and provided further*, that the net premium charged for such cash value in such contract or certificate shall not be less than an amount which increased at four per centum compound interest will at the end of the period equal the amount of said fixed cash value.

SEC. 9. If the cash and invested assets of the corporation exceed the sum of twenty-five thousand dollars (\$25,000) and also the amount of the reserve fund required by this Act, and the actual liabilities of said corporation or association to an amount in excess of ten per centum of such reserve fund, then the amount of such excess may be apportioned by the corporation as a dividend to policy holders whose policies or certificates shall have been not less than three years in force, in reduction of premiums, in the purchase of paid-up or extended insurance, or may be drawn in cash; or such dividend or dividends may be paid to the beneficiary of a deceased policy holder in addition to the face of his policy, as may be mutually agreed in the contract.

SEC. 10. Every policy or certificate hereafter issued by any corporation doing business under this Act, and promising any payment to be made upon a contingency provided for in this Act, shall specify the sum of money which it promises to pay upon such contingency insured against, and the number of days after satisfactory proof of the happening of the same on which such payment shall be made. Upon the occurrence of such contingency, unless the contract shall have been avoided by fraud or by breach of its conditions, the corporation shall be obligated to the beneficiaries or insured for such payment, at the time and to the maximum amount due under the policy or certificate. If the Insurance Commissioner shall be satisfied, upon investigation, that any such corporation has refused or failed to make such payment for thirty days, after proper demand and notice at the home office, by mail, as provided by law, of final judgment, unless waiver is made by the policy holder or beneficiary, he shall notify the corporation to issue no new policies or certificates until such indebtedness is fully paid; and no officer or agent shall make, sign or issue any policy or certificate of insurance while such notice is in force.

SEC. 11. No corporation, association, or society organized under the laws of any other State or Territory of the United States or of the District of Columbia or foreign country, shall transact business under the provisions of this Act until it has received from the Insurance Commissioner a certificate of authority to do business in this State, a duplicate of which shall be filed in this office. Such foreign corporation shall file with the Insurance Commissioner of this State a certified copy of its statement for the pre-

ceding year, and an appointment of a general agent, service upon whom shall bind the corporation. The Commissioner shall annually issue to such foreign corporation, association, or society a renewal certificate of authority to continue its business, if it shall have fully complied with the provisions of this Act. The Commissioner may refuse the certificate of authority or renewal of the same to any such foreign corporation, association, or society, when by the laws of the State or Territory under which the same is organized, a domestic corporation or association organized or doing business under this Act is not permitted to transact such business in such other State or Territory. When any State or Territory shall impose any obligation upon such corporation or association of this State, or their agents, transacting business in such other State or Territory, the like obligations are hereby imposed upon similar corporations, associations, or societies of such other State or Territory, and their agents or representatives, transacting business in this State; and such corporation, association, or society of such other State or Territory, and their agents and representatives, shall pay all licenses, fees, and penalties to, and make deposits with, the Insurance Commissioner, imposed by the laws of such other State or Territory upon any corporation or association of this State doing business therein; and in case of failure to pay the same, the Commissioner shall refuse the certificate of authority herein provided for, or cancel such certificate if one shall have been previously issued. No foreign life insurance corporation, association, or society shall be authorized to transact any business authorized by this Act within this State, unless it furnishes evidence satisfactory to the Insurance Commissioner that it has assets amounting to not less than twenty-five thousand dollars, in addition to a reserve fund equal in amount to that required by this Act, and that the same is held for the benefit of policy or certificate holders, or beneficiaries, and invested as required by the insurance laws of this State. Neither shall any foreign life insurance corporation, association, or society be authorized to do business in this State, unless it collects for the benefit of its policy holders a net premium equal at least to that provided for by the terms of this Act.

Sec. 12. Whenever any policy or certificate of life insurance hereafter issued by any corporation or association doing business under this Act, after being in force five full years, shall by its terms lapse or become forfeited by the non-payment of any premium, or any note given for a premium, or loan made in cash on such policy as security, or of any interest on such note or loan, the reserve on such policy, computed according to the American experience table of mortality, with interest at the rate of four and one half per centum per annum, shall on demand made, with surrender of the policy within six months after such lapse or forfeiture, be taken as a single premium of life insurance at the published rates of the corporation, at the time the policy was issued, and shall be applied, as shall have been agreed in the application or policy, either to continue the insurance of the policy in force, at the full amount, so long as such single premium will purchase temporary insurance for that amount, at the age of the insured at the time of lapse or forfeiture, or to purchase on the same life at the same age, said paid-up insurance, payable at the same time and under the same conditions, except as to payment of premiums, as the original policy. If no such agreement be expressed in the application or policy, such single premium may be applied in either of the modes above specified, at the option of the owner of the policy, notice of such option to be contained in the demand hereinbefore required to be made, to prevent the forfeiture of the policy. The reserve hereinbefore specified shall include dividend additions actually made, calculated at the date of the failure to make any of the payments above described, according to the American experience table of mortality, with interest at four and one half per centum per annum, after deducting any indebtedness of the insured on account of any annual, semi-annual, quarterly or bi-monthly premium then due, and any loan made in cash on such policy, evidence of which is acknowledged by the insured in writing. The net value of the insurance given for such single premium under this section, computed by the standard of this State, shall in no case be less than one half the entire reserve, computed according to the rule prescribed in this section, after deducting the indebtedness as specified, but such insurance shall not participate in the profits of the corporation. This section shall not apply to any case where the provisions of the section are specially waived in the application.

Sec. 13. No life insurance corporation or association doing business under this Act in this State shall declare forfeited or lapsed any policy hereafter issued or renewed unless the same is a term insurance contract for one year or less; nor shall any such policy be forfeited or lapsed by reason of non payment when due of any premium, interest, or installment, or any portion thereof, required by the terms of the policy to be paid, unless a written or printed notice, stating the amount of such premium, interest, or installment, or portion thereof due, or to become due on such policy or certificate, the place where it should be paid, and the person to whom the same is payable, shall have been duly addressed and mailed to the person whose life is insured, at his or her last known post office address, postage paid, by the corporation or by an officer thereof, or person appointed by it to collect such premium, at least fifteen and not more than sixty days prior to the day when the same is payable. The notice shall also state that unless such premium, interest, installment, or portion thereof, then due, shall be paid to the corporation or association, or to a duly appointed agent, or person authorized to collect such premium, on or before the day it falls due, the policy and all payments thereon will become forfeited and void, except as to the right to a surrender value or paid-up policy, as in this Act provided. No such policy shall in any case be forfeited, or declared forfeited or lapsed until the expiration of thirty days after the mailing of such notice.

The affidavit of any officer, clerk, employé, or agent of the corporation, or any one authorized to mail such notice, that the notice required by this section have been duly addressed and mailed by the corporation, association, or its representatives, shall be conclusive evidence that such notice has been duly given.

SEC. 14. When any such corporation shall desire to relinquish its business, the Commissioner shall, on application of such corporation, under the oath of its president or principal officer, and secretary, or actuary, give notice of such intention, at least twice a month for six months, in a paper published at the City and County of San Francisco. After such publication he shall deliver up to said corporation, or its assigns, the securities held by him belonging to it, upon being satisfied by an exhibition of the books and papers belonging to such corporation, or an examination made by himself, or by some competent person to be appointed examiner by him, and upon the oath of the president or principal officer, and the secretary or actuary of said corporation, that all its debts and liabilities of every kind that are due, or may become due, upon any contract or agreement made by said corporation are reinsured in a reputable corporation, or are paid and extinguished. The Commissioner may also, from time to time, deliver up to such corporation, or its assignees, any portion of such securities, on being satisfied in the manner and form hereinbefore required, or upon any other competent proof, that all the debts and liabilities of every kind that are due, or may become due, are reinsured, or are less than the amount or proportion of such securities which he shall retain to equal the reserve required by the provisions of this Act.

SEC. 15. Any member or contract holder of any corporation transacting business hereunder shall have the right at any time, with the consent of such corporation, or association, to make a change in his payee or his payees, or beneficiary or beneficiaries, without requiring the consent of such payee or payees, or beneficiary or beneficiaries.

SEC. 16. The money to be paid by any such corporation or association to a policy holder or beneficiary, shall be exempt from execution, and shall not be liable to be seized, taken, or appropriated, by any legal or equitable process, to pay any debt or liability of the insured or any beneficiary or beneficiaries designated by said policy holder.

SEC. 17. Every domestic and foreign corporation doing business under this Act shall annually, on or before the first day of February, file with the Insurance Commissioner, in such form as he shall prescribe, a preliminary statement of its business transacted in this State for the year ending on the preceding thirty-first day of December. They shall also make and file with said Commissioner on or before the tenth day of March a complete statement of the condition and affairs of such corporation for the year ending the preceding thirty-first day of December. The Insurance Commissioner in person, or by duly authorized deputy, shall have the power of examination into the affairs of any domestic corporation doing business, or claiming to do business, under this Act, at any time, in his discretion, and shall make such examination at least once a year.

SEC. 18. The fees for filing statements, certificates, or other documents required by this Act, or for any service or act of the Insurance Commissioner, and the penalties for any violation of this Act shall be the same as provided in the laws of this State relating to life insurance companies, and shall be disposed of as provided by such laws.

SEC. 19. And for all lawful expenses under this Act, or by reason of any of its provisions, in the prosecution of any suit or proceedings or otherwise for the enforcement of the provisions of this Act, the Insurance Commissioner must present bills duly certified by him, and accompanied with vouchers, to the State Board of Examiners, who must allow the same and direct payment thereof to be made; and the State Controller shall draw warrants therefor on the State Treasurer for the payment of the same to the Insurance Commissioner, in addition to the ordinary contingent expense, which warrant shall be payable out of the General Fund.

SEC. 20. The provisions of this Act shall not apply to secret or fraternal societies, lodges, or councils which conduct their business and secure membership on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges, or councils, nor to any organization conducted solely for benevolent and charitable purposes, whose members are employed by one corporation or institution, or by more than one similar corporation or institution, or when membership is confined to one trade, art, or profession; nor shall they apply to, or in any way affect, corporations organized or doing business under the provisions of the Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan and the conduct of the business of such insurance," approved March nineteenth, eighteen hundred and ninety-one.

SEC. 21. This Act shall not be construed to in any way affect or repeal that certain Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan and the conduct of the business of such insurance," approved March nineteenth, eighteen hundred and ninety-one.

SEC. 22. This Act shall take effect immediately.

Substitute read and adopted.

At ten o'clock and twenty-three minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 658—An Act to amend Section 1764 of the Code of

Civil Procedure, relating to the appointment of guardians of insane and incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, La Rue, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 459—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 459 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Maggard, Morehouse, Nutt, Prisk, Simpson, Taylor, Trout, and Wolfe—25.

NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 271—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 271 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, La Rue, Morehouse, Nutt, Simpson, and Wolfe—21.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 166—An Act to amend Section 2924 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, defining mortgages.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 166 passed by the following vote:

AYES—Senators Boyce, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Pace, Prisk, Rowell, Simpson, Taylor, and Wolfe—24.

NOES—Senator Bettman—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 263—An Act to amend Section 1895 of the Political Code of the State of California, relating to the persons subject to military duty, and to those who may constitute military organizations, in the military service of the State.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 passed by the following vote:

AYES—Senators Bettman, Boyce, Brauhart, Burnett, Currier, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, and Wolfe—21.

NOES—Senator Jones—1.

Title read and approved.

Bill ordered transmitted to the Assembly.



NOTICE OF MOTION TO RECONSIDER

Senator Dickinson gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 263 was passed.

Senate Bill No. 183—An Act requiring the making and recording of maps of cities, towns, and additions to cities or towns, and subdivisions of lands into small lots or tracts for the purpose of sale, providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded, and providing for the recording of maps now on file in Recorders' office.

During the second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 183.

An Act requiring the making and recording of maps of cities, towns, and additions to cities or towns, and subdivisions of lands into small lots or tracts for the purposes of sale, providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, and additions thereto, before such maps are filed and recorded, and providing for the recording of maps now on file in Recorders' offices.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever any city, town, or subdivision of land, or any addition to any city, town, or such subdivision, shall be laid out into lots for the purposes of sale, the proprietor or proprietors thereof shall cause to be made an accurate plat or map thereof, setting forth, describing, and delineating:

First—All the parcels of ground within such city, town, addition, or subdivision, reserved for public purposes, by their boundaries, courses, and extent, whether they be intended for avenues, streets, lanes, alleys, courts, commons, parks, squares, or grounds reserved for other public uses; and

Second—All lots and blocks, with their boundaries and their precise length and width, designating such lots and blocks either by numbers or letters; also, showing the angle of intersection of all boundary lines of such lots and blocks, whenever such angle of intersection is not a right angle; also, the location of all stone or iron monuments set to establish street lines; also, showing the exterior boundaries of the piece of land so platted, giving such boundaries by true courses and distances; also, the exact location of all section corners or legal subdivision corners of sections within the limits of said plat, and the adjoining block corners of all surveyed and adjoining additions. In case the land is not within a city, and no such section or subdivision corners are within the limits of the plat, it shall show a connection line to some corner or initial point of the government surveys, if there be any such within one mile of such subdivision or addition. All distances marked on said plat shall be in feet and decimals of a foot. When a survey of such city, town, subdivision, or addition shall be made, the Surveyor shall mark all the corners of the lots and blocks so laid out and shown on the plat by substantial stakes or monuments. He

shall set stone or iron monuments at the point of intersection of the center lines of all streets, when practicable; if not practicable to set such monuments at the point of intersection of said streets, they shall be set as near such points as possible, and their location shall be shown by marking on said plat the distances to the block corners adjacent thereto. The top of such monuments to be placed one foot below the surface of the ground, and the monuments shall be at least six inches by six inches by one foot in depth. If a stone is used, it shall have a hole drilled into it, the hole to be filled with lead, and a copper nail driven at the point of intersection to mark such point. Iron monuments shall be at least two inches in diameter (which may be either iron or gas pipe) by two and one half feet in length, the dimensions of such monuments to be marked on the plat. Such monuments shall establish permanently the lines of all streets. The surveyor shall also make and subscribe on said plat a certificate that he has made such survey and plat according to the provisions of this Act, stating the date of such survey; and he shall make oath thereto before some officer authorized to administer oaths.

SEC. 2. The proprietor or proprietors of lands so platted, or their attorneys duly authorized, shall, in case any land is dedicated to public use, make on such plat a certificate to be known as the certificate of dedication, which shall be substantially in the form following, viz: We, ———, do hereby certify that we have caused to be surveyed, subdivided, and platted into lots, blocks, streets, and alleys, as shown by the plat and certificate hereunto annexed, the following described tract of land, to wit (here describe land included in plat) to be known and designated (here give full name of city, town, village, subdivision, or addition); and the lands included in all streets, avenues and alleys, and parks or public squares shown on said plat, are hereby granted and donated to the use of the public forever. Dated this ——— day of ———, A. D. ———. This certificate of dedication shall be signed by all the proprietors of the land included in the plat, and shall be acknowledged by them in the same manner as required by law to entitle deeds to be recorded; *provided*, that all persons holding mortgages thereon shall, in addition to signing certificate of dedication, execute a release of such mortgage, or mortgages, on such portion of the land as may be specified in said certificate of dedication, and such release shall be filed for record in the office of the County Recorder within thirty days from date of the same.

SEC. 3. All such plats of lands in or adjoining any incorporated city or town, when intended as additions thereto, or subdivisions thereof, shall be filed, submitted to the City Engineer or City Surveyor of such town or city, if there be one, for approval. A certificate of approval, signed by the City Engineer or City Surveyor of said city or town, if there be one, that the plat conforms to adjoining additions or parts of the city or town already platted as near as the configuration of the ground will admit, shall be written on such plat before the same shall be filed in the Recorder's office of such county. The original plat or plats of additions to, or subdivisions of unincorporated cities or towns, shall be submitted to the Supervisors of the county in which such unincorporated town or additions or subdivisions are situated, or such other officer or officers in whom such power or powers is vested, who shall examine and approve them, and in case of additions shall see that they conform to the parts of the city or town already platted.

SEC. 4. All plats of cities, towns, or villages, or additions thereto, or subdivisions thereof, shall be made on mounted egg-shell drawing paper, of the size of twenty-one by thirty (21x30) inches, and recorded in the office of the Recorder of the county in which the lands are situated. Before recording such plat or plats the Board of County Supervisors, or such other officer or officers in whom such power or powers is vested, shall examine the same and see that all the requirements of this Act in regard thereto have been complied with. The Recorder shall provide, at the expense of the county, well-bound books of mounted egg-shell drawing paper, of the size of twenty-one by thirty (21x30) inches, to be designated "Plat Book No. ———," in which he shall cause to be made a true copy of every plat filed with him for record under this Act and of all certificates thereon (except that the scale and size of the plat may be changed, to fit the book) and shall certify to the correctness of such copy, which book shall be a public record, and he shall safely keep the original plat for inspection only to test the accuracy and genuineness of such copy. Such plat so copied in the said plat book shall be indexed in the front part of each book or in an index book kept for such purpose. For filing and recording such plat the Recorder shall receive as fees the sum of twenty-five cents for each lot or subdivision shown thereon, to the number of one hundred lots or subdivisions, and fifteen cents for each lot or subdivision shown thereon in excess of one hundred lots or subdivisions, this fee to be paid by the owner of the property, or the person presenting such map or plat for record; *provided*, that for recording any such plat showing less than forty lots or subdivisions, he shall receive at least the sum of five dollars, and that the fee for recording any plat shall not exceed one hundred and fifty dollars.

SEC. 5. Every person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor.

SEC. 6. All fees received by any Recorder under the preceding sections of this Act shall be retained by such Recorder as a special fund for the employment and payment of such competent draughtsmen and clerks who are residents of the State of California as may be required to perform the additional and skilled work herein required; *provided*, that if at the end of each year there shall be and remain any surplus in such fund, then, in that case, such Recorder shall pay such surplus into the County Treasury; *and provided further*, that no additional compensation shall be allowed to, or shall be allowed in any case to accrue to, any Recorder for any work done under the preceding sections of this Act.

SEC. 7. The Recorder in each county in this State, immediately after the passage of this Act, is hereby authorized and required to provide plat books as described in this Act, and to copy or cause to be copied in such books, all plats of cities, towns, subdivisions thereof, and additions thereto, and all subdivision plats of lands in his county, which have been certified as correct by the County Surveyor, or City Engineer, or City Surveyor, with the certificates thereon or attached to such plats on file in his office at the date of the passage of this Act. The Recorder of each county, respectively, may employ such competent draughtsmen and clerical assistants, who are residents of the State of California, as may be required to enable him to complete such work within two years from the passage of this Act. Each Recorder shall be paid for such work by each county, respectively, at the rate hereinbefore fixed for recording original plats, maps, etc. The work provided for in this section shall be paid for by each county, respectively, from month to month as the work progresses; *provided*, that in all cases where maps on file in Recorder's office at the time of the passage of this Act have been heretofore copied or platted into books for record, and the original maps kept on file separate from such books, such maps shall not be platted or copied again because of anything contained in this Act.

The substitute, which had been previously printed and placed upon the desks of the Senators, was read and adopted.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 183 refused passage by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Chapman, Currier, Curtin, Cutter, Dickinson, Hoey, Morehouse, Pace, Simpson, Trout, and Wolfe—15.

NOES—Senators Bulla, Burnett, Davis, Doty, Gillette, Jones, La Rue, Leavitt, Luchsinger, Rowell, and Shortridge—11.

Senate Bill No. 712—An Act to appropriate the sum of \$1,150 50 to pay the claim of Bancroft, Whitney & Co., for money due and owing the said Bancroft, Whitney & Co. from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 712 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Trout, and Wolfe—22.

NOES—Senator Boyce—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 697—An Act repealing an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 697 refused passage by the following vote:

AYES—Senators Boyce, La Rue, Pace, Prisk, Rowell, Taylor, and Trout—7.

NOES—Senators Ashe, Bettman, Braunhart, Currier, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hall, Jones, Leavitt, Luchsinger, Morehouse, Nutt, Shortridge, Smith, and Wolfe—19.

Committee Substitute for Senate Bill No. 36 An Act to amend Sections 1532, 1534, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1650, 1663, 1667, 1674, 1697, 1713, 1714, 1768, 1830, 1858, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

Read third time.

Senator Boyce moved that Senator Morehouse be appointed a special committee of one to amend the bill as follows:

Amend by adding in Section 4, line 5, after the word "hundred," the words "and fifty."

Also: Amend by striking out of Section 8, line 12, the word "seventy," and inserting "sixty-five."

Also: Amend by adding after the word "schools," in Section 11, line 14, the words "of the county."

Also: Amend by adding after the word "and," in Section 19, line 25, the following: "except in incorporated cities having boards of education shall."

Also: Amend by striking out of Section 19, lines 31 to 51, inclusive, and inserting the following: "Sixth.—To employ the teachers, and except in incorporated cities having boards of education, immediately notify the County Superintendent of Schools, in writing, of such employment, naming the grade of certificate held by the teacher employed; also to employ janitors and other employes of the schools; to fix and order paid their compensation, unless the same be otherwise provided by law; *provided*, that the boards of trustees of school districts shall meet on the Saturday on or before the fifteenth day of June of each year and shall by ballot elect the teacher for the ensuing school year, and upon a failure to do so, the teachers already employed whose successors have not been appointed, shall continue as such for the ensuing school year; *provided further*, that vacancies may be filled and additional teachers may be employed by the board of trustees at any subsequent time as the necessities may require; *provided further*, that no board of trustees shall enter into any contract other than with a teacher to extend beyond the end of the current school year."

Also: Amend by adding in Section 19, line 93, after the word "city," the following: "or city and county."

Also: Amend by striking out of Section 21, line 12, the words "of primary and grammar schools."

Also: Amend by adding in Section 24, line 5, after the word "first," the words "four or."

Also: Amend by adding in Section 24, line 6, after the word "classes," the following: "as shall be determined by the county, city, or city and county boards of education in the several counties of the State."

Also: Amend by striking out of Section 26, line 8, after the word "school," the balance of the line, and all of lines 9, 10, 11, and 12.

Also: Amend by striking out of Section 30, line 9, the word "two," and inserting the word "ten."

Also: Amend by striking out of Section 30, line 16, the words "provided for in subdivisions one and two of this section," and inserting the following: "provided by this section."

Also: Amend by striking out of Section 30, all of subdivision 4, lines 23 and 29 inclusive.

Also: Amend by striking out of Section 30, lines 30, 33, and 37, the words "fifth," "sixth," and inserting the following: "fourth," "fifth," "sixth."

Also: Amend by striking out of Section 33, line 20, after the word "government," the words: "*provided*, that books supplementary to the" and all of lines 21 to 24, inclusive.

Also: Amend by striking out of Section 34, lines 5 and 6, the words "or use any other text-books in any of the prescribed studies," and inserting the following words in line 5 after the word "the": "State series of text-books," making the section read as follows: "1875. If any city or district refuse or neglect to use the State series of text-books that may be prescribed, the County Superintendent of Schools must withhold from such city, town or district," etc.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 36—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1650, 1663, 1667, 1674, 1697, 1713, 1714, 1768, 1830, 1858, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as

Section 1674, relating to the public schools—with instructions to amend, respectfully reports the same back amended as per instructions.

MOREHOUSE, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and engrossment.

MOTION TO RECONSIDER VOTE POSTPONED.

In compliance with his notice given on yesterday, Senator Cutter moved a reconsideration of the vote whereby Assembly Constitutional Amendment No. 19—Proposing to the people of the State of California an amendment to the Constitution of the State, viz: to amend Section 1 of Article XIII, and to repeal Sections 4 and 5 of Article XIII of the Constitution—was refused adoption.

The motion was seconded.

Senator Cutter moved that further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 19 was refused adoption be postponed until next legislative day.

So ordered.

MOTION.

Senator Dickinson moved that Senate Bills Nos. 223, 224, and 225 be now considered.

So ordered.

Senate Bill No. 223—An Act authorizing and directing the transfer of \$40,000 from the Railway Tax Contingent Fund to the State School Fund, in compliance with the provisions of Section 3668 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 223 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Gillette, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 224—An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 224 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Gillette, Hoey, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Prisk, Smith, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225—An Act transferring from the Estates of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest-bearing bonds, to be held in trust for the benefit of the State School Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 225 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILLS CONSIDERED OUT OF ORDER.

Substitute for Senate Bill No. 334—An Act to provide for the assessment, levy, and collection of an income tax.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE REFUSED.

Pending the announcement of the vote, Senator Braunhart moved a call of the Senate.

Motion lost.

The roll of absentees was called, and the President pro tem. announced that Senate Bill No. 334 was refused passage by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Doty, Flint, Hall, La Rue, Nutt, Pace, Prisk, Simpson, and Smith—16.

NOES—Senators Bettman, Braunhart, Cutter, Dickinson, Hoey, Jones, Laird, Leavitt, Luchsinger, Morehouse, Rowell, Shortridge, Taylor, Trout, and Wolfe—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Braunhart gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 334 was refused passage.

Senate Bill No. 265—An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 265 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Doty, Flint, Gillette, Hall, Hoey, Jones, Laird, Luchsinger, Morehouse, Prisk, Rowell, Smith, Taylor, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 488—An Act to promote the reclamation, cultivation, and settlement of desert lands conditionally granted to the State of California by the Congress of the United States.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 488 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Chapman, Currier, Cutter, Dickinson, Doty, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Nutt, Prisk, Shortridge, Taylor, Trout, and Wolfe—22.

NOES—Senator Burnett—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 166 was this day passed.

MOTION.

Senator Davis moved to take up the special file of appropriation and claims bills.

On the question being put, a division was called for.

ADJOURNMENT.

It appearing that no quorum was present and voting, the result being seven for and eleven against, the President pro tem. thereupon, at eleven o'clock and fifty-five minutes P. M., declared the Senate adjourned until nine o'clock and thirty minutes A. M. of Friday, March 17, 1899.

IN SENATE.

SENATE CHAMBER,
Friday, March 17, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Boyce, Bulla, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—30.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Thursday, March 16, 1899, was read.

The Journal of Tuesday, March 14, 1899, was approved.

SPECIAL ORDER.

The consideration of Assembly Bill No. 603, heretofore set as a special order for this hour, was proceeded with.

proposing that the said—be left to regulate the width of lines of wagons to be used on the public highways of the State of California.

Read third time.

The question being in the passage of the bill.

The bill was called, and Assembly Bill No. 900 finally passed by the following vote:

Ayes—Messrs. Adams, Allen, Barker, Barnes, Brown, Carter, Chace, Cook, Cooper, Cramer, Curren, Davis, Deane, Edwards, Egan, Fox, Gentry, Gilman, Glavin, Harbo, Hendon, Johnson, Keith, Lester, Lusk, McCall, McQuinn, Miller, Mumford, Newell, Nichols, Quinn, Ralston, Reed, Rogers, Sargent, Shaw, Smith, Sweeney, Taylor, Thayer, Van Dine, Wagoner, and Wright.

Nays—Messrs. De Haven, 1.

Tellered and yeas aye.

The question being in the Assembly:

COMMITTEES.

The following resolutions were adopted:

By Messrs. Thompson:

Resolved, That the copy of Bill No. 900, as passed by the Senate, be returned to the Assembly, and the same be amended so that the same shall read: "That the State of California do hereby authorize the State Engineer to construct and maintain a system of public roads and highways for the use of the people of the State."

Resolutions read, and referred to Committee on Agriculture, Contingent Expenses, and Wages.

And:

Resolved, That the sum of five hundred dollars be appropriated for the purpose of defraying the expenses of the State Engineer, and the same be paid out of the State Treasury for the year ending on the 30th day of June next.

Resolutions read, and referred to Committee on Agriculture, Contingent Expenses, and Wages.

By Messrs. Taylor:

Resolved, That the State Engineer be authorized to purchase and use such land as may be necessary for the purpose of constructing and maintaining a system of public roads and highways for the use of the people of the State, and that the same be paid out of the State Treasury for the year ending on the 30th day of June next.

Resolutions read, and referred to Committee on Agriculture, Contingent Expenses, and Wages.

By Messrs. Brown:

Resolved, That the State Engineer be authorized to purchase and use such land as may be necessary for the purpose of constructing and maintaining a system of public roads and highways for the use of the people of the State, and that the same be paid out of the State Treasury for the year ending on the 30th day of June next.

Resolutions read, and referred to Committee on Agriculture, Contingent Expenses, and Wages.

By Messrs. Brown:

Resolved, That the sum of five hundred dollars be appropriated for the purpose of defraying the expenses of the State Engineer, and the same be paid out of the State Treasury for the year ending on the 30th day of June next.

Resolutions read, and referred to Committee on Agriculture, Contingent Expenses, and Wages.

By Messrs. Brown:

Resolved, That the sum of five hundred dollars be appropriated for the purpose of defraying the expenses of the State Engineer, and the same be paid out of the State Treasury for the year ending on the 30th day of June next.

room, payable from the Contingent Fund of the Senate. The Controller is authorized to draw his warrant for \$87 in payment of same, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Senator Maggard:

Resolved, That C. R. Mayhew, Engrossing and Enrolling Clerk of the Senate, and Miss Ethel Aitken, Assistant Engrossing and Enrolling Clerk, be and are hereby employed, after the final adjournment of the Senate, for the purpose of completing the work on their books, and delivering the same into the hands of the Secretary of State; and that they be allowed the sum of \$50 each, payable out of the Contingent Fund of the Senate, and that the Controller is hereby directed to draw his warrant for said amounts in favor of the above named persons, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE AND CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your Committee on Finance and Claims, to whom was referred Assembly Bill No. 905—An Act appropriating money for the purpose of sinking an oil well on the grounds of the Agnew's State Asylum—have had the same under consideration, and respectfully report the same back without recommendation.

DICKINSON, Chairman.

Assembly Bill No. 905 ordered on special file of Assembly bills.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 272—An Act making an appropriation to pay the claim of the San Francisco Bulletin, for advertising constitutional amendments for the year 1898.

Substitute for Senate Bill No. 560—An Act to appropriate the sum of \$175 to pay the claim of National Bulletin, for money due and owing the said National Bulletin from the State of California.

Substitute for Senate Bill No. 599—An Act to appropriate the sum of \$3,400 to pay the claim of the San Francisco Bulletin, for money due and owing the said San Francisco Bulletin from the State of California.

Substitute for Senate Bill No. 558—An Act to appropriate the sum of \$717 75 to pay the claim of Daily Morning Union, Grass Valley, for money due and owing the said Daily Morning Union, Grass Valley, from the State of California.

Substitute for Senate Bill No. 559—An Act to appropriate the sum of \$150 to pay the claim of the Sierra Valley Record, for money due and owing the said Sierra Valley Record from the State of California.

Substitute for Senate Bill No. 609—An Act to appropriate the sum of \$750 to pay the claim of Daily Record Publishing Company, Stockton, for money due and owing the said Daily Record Publishing Company, Stockton, from the State of California.

Substitute for Senate Bill No. 616—An Act to appropriate the sum of \$375 to pay the claim of Contra Costa Gazette, for money due and owing the said Contra Costa Gazette from the State of California.

Substitute for Senate Bill No. 617—An Act to appropriate the sum of \$450 to pay the claim of San Francisco Abend Post, for money due and owing the said San Francisco Abend Post from the State of California.

Substitute for Senate Bill No. 627—An Act to appropriate the sum of \$350 to pay the claim of the Daily and Weekly Sentinel, for money due and owing the said Daily and Weekly Sentinel from the State of California.

Substitute for Senate Bill No. 626—An Act to appropriate the sum of \$150 to pay the claim of Daily and Weekly News, Red Bluff, for money due and owing the said Daily and Weekly News, Red Bluff, from the State of California.

Substitute for Senate Bill No. 629—An Act to appropriate the sum of \$250 to pay the claim of Democratic Printing House (Leake) for money due and owing the said Democratic Printing House (Leake) from the State of California.

Substitute for Senate Bill No. 631—An Act to appropriate the sum of \$150 to pay the claim of Evening Transcript, San Bernardino, for money due and owing the said Evening Transcript, San Bernardino, from the State of California.

Substitute for Senate Bill No. 633—An Act to appropriate the sum of \$4,000 to pay the claim of the Examiner (W. R. Hearst), for money due and owing the said Examiner (W. R. Hearst) from the State of California.

Substitute for Senate Bill No. 637—An Act to appropriate the sum of \$150 to pay the claim of the Index-Tribune, for money due and owing the said Index-Tribune from the State of California.

Substitute for Senate Bill No. 578—An Act to appropriate the sum of \$900 to pay the claim of Sacramento Publishing Company (Record-Union) for money due and owing the said Sacramento Publishing Company (Record-Union) from the State of California.

Substitute for Senate Bill No. 582—An Act to appropriate the sum of \$900 to pay the claim of Daily Independent, Stockton, for money due and owing the said Daily Independent, Stockton, from the State of California.

Substitute for Senate Bill No. 583—An Act to appropriate the sum of \$900 to pay the claim of Stockton Mail, for money due and owing the said Stockton Mail from the State of California.

Substitute for Senate Bill No. 584—An Act to appropriate the sum of \$3,450 to pay the claim of San Francisco Chronicle, for money due and owing the said San Francisco Chronicle from the State of California.

Substitute for Senate Bill No. 594—An Act to appropriate the sum of \$125 to pay the claim of William O'Brien, Sutter Independent, for money due and owing the said Sutter Independent from the State of California.

Substitute for Senate Bill No. 595—An Act to appropriate the sum of \$175 to pay the claim of Sutter Publishing Company, for money due and owing the said Sutter Publishing Company from the State of California.

Senate Bill No. 732—An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk, and the products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor.

Senate Bill No. 461—An Act authorizing the Governor and the Attorney-General to purchase for the State of California certain lands in Humboldt Bay, and making an appropriation therefor.

Senate Constitutional Amendment No. 14—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, by adding a new section thereto, to be known as Section 14, relating to the exemption from taxation of all bonds issued by the State of California, or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation, and irrigation districts) within said State.

Substitute for Senate Bill No. 600—An Act to appropriate the sum of \$1,000 to pay the claim of Mercury Publishing and Printing Company (Commercial Savings Bank, assignee), for money due and owing the said Mercury Publishing and Printing Company (Commercial Savings Bank, assignee) from the State of California.

Substitute for Senate Bill No. 604—An Act to appropriate the sum of \$175 to pay the claim of Yreka Journal, for money due and owing the said Yreka Journal from the State of California.

Substitute for Senate Bill No. 606—An Act to appropriate the sum of \$150 to pay the claim of the Alturas Plaindealer, for money due and owing the said Alturas Plaindealer from the State of California.

Substitute for Senate Bill No. 567—An Act to appropriate the sum of \$2,160 to pay the claim of the Oakland Tribune, for money due and owing the said Oakland Tribune from the State of California.

Substitute for Senate Bill No. 570—An Act to appropriate the sum of \$450 to pay the claim of Santa Rosa Press-Democrat, for money due and owing the said Santa Rosa Press-Democrat from the State of California.

Substitute for Senate Bill No. 573—An Act to appropriate the sum of \$450 to pay the claim of San Diego Sun Publishing Company, for money due and owing the said San Diego Sun Publishing Company from the State of California.

Substitute for Senate Bill No. 574—An Act to appropriate the sum of \$550 to pay the claim of the Los Angeles Record, for money due and owing the said Los Angeles Record from the State of California.

Substitute for Senate Bill No. 575—An Act to appropriate the sum of \$2,000 to pay the claim of San Francisco Report, for money due and owing the said San Francisco Report from the State of California.

Substitute for Senate Bill No. 576—An Act to appropriate the sum of \$300 to pay the claim of Emanu-El, for money due and owing the said Emanu-El from the State of California.

Senate Bill No. 86—An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital; said buildings to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital; to appropriate money therefor, and provide for the expenditure of the same.

Senate Bill No. 722—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Treasurer, Levi Rackliffe.

Substitute for Senate Bill No. 358—An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature

at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission.

Substitute for Senate Bill No. 657—An Act to appropriate the sum of \$300 to pay the claim of Visalia Daily Times, for money due and owing the said Visalia Daily Times from the State of California.

Substitute for Senate Bill No. 666—An Act to appropriate the sum of \$100 to pay the claim of the Labor Advocate, for money due and owing the said Labor Advocate from the State of California.

Substitute for Senate Bill No. 674—An Act to appropriate the sum of \$246 65 to pay the claim of the Hollister Bee, for money due and owing the said Hollister Bee from State of California.

Substitute for Senate Bill No. 679—An Act to appropriate the sum of \$600 to pay the claim of L'Italia, for money due and owing the said L'Italia from the State of California.

Substitute for Senate Bill No. 681—An Act to appropriate the sum of \$150 to pay the claim of Fresno Evening Democrat, for money due and owing the said Fresno Evening Democrat from the State of California.

Substitute for Senate Bill No. 330—An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$100,000.

And report that the same have been correctly enrolled; and presented the same to the Governor on the 16th day of March, 1899, at ten o'clock and fifty minutes p. m.

JONES, Chairman.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 25—Relative to the payment of volunteers enlisted in the Spanish-American War of 1898—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEAVITT, Chairman.

Assembly Joint Resolution No. 25 ordered on special file of Assembly bills.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 941—An Act to amend Section 165 of the Penal Code of this State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GILLETTE, Chairman.

Assembly Bill No. 941 ordered on special file of Assembly bills for second reading.

ON EXECUTIVE COMMUNICATIONS AND NOMINATIONS.

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your Committee on Executive Communications and Nominations, to whom was referred the Governor's disapproval of Senate Bill No. 165—have had the same under consideration, and respectfully report the same back, and recommend that the veto of the Governor on the above bill be sustained.

BURNETT, Chairman.

On motion of Senator Davis, the consideration of the above report was made special order for Saturday, March 18, 1899, immediately after reading of the Journal.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in the sum of \$164 85 in favor of the Sergeant-at-Arms of the Senate, in payment of sundry bills hereto attached, and the Treasurer is directed to pay the same, the same payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

ATTACHED BILLS.

Senate of the State of California, Dr.:

1899.		
Mar 18—To Capital Artesian Water Co., water from 13th to 18th (6 days).....	\$18 00	
2—To Tom Scott, sundries, repairs, etc.....	3 50	
Feb. 18—To Tom Scott, sundries, repairs, etc.....	16 00	
Mar. 10—To John Breuner, sundries	9 65	
16—To Sergeant-at-Arms, telephones, incidentals	17 25	
1—To Union Ice Co., 2,700 lbs. ice	27 00	
16—To Mrs. Magee, washing towels	11 25	
Jan. 19—To Sunset Telephone and Telegraph Co., labor and material.....	28 20	
19—To Wm. Cruse, expressage, carfare, handling mail.....	10 00	
Mar. 15—To Sergeant-at-Arms, hack hire serving subpoenas (March 2d to 15th) ..	23 00	
Feb. 23—To H. S. Crocker & Co., 1 Royal typewriter ribbon	1 00	
Total	\$164 85	

The question being on the adoption of the report and resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Jones, Laird, Langford, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Stratton, Trout, and Wolfe—24.
NOES—None.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received:

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your committee of conference concerning Senate Bill No. 337—An Act to amend Section 591 of the Penal Code—report that we have met a like committee of the Assembly, consisting of Assemblymen Cobb, Miller of San Francisco, and Miller of Los Angeles, and we report that the conference committee cannot agree, and recommend the appointment of a free conference committee to consider and report upon said bill.

BULLA, Chairman.

Report read and adopted.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the above request, the President appointed Senators Bulla, Sims, and Luchsinger a committee of free conference on Senate Bill No. 337.

MOTIONS.

Senator Wolfe moved to take up messages from the Assembly.

Senator Bulla moved to amend by adding "and that all Assembly bills be placed upon file without reference to committees."

Amendment adopted and motion carried.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 624—An Act to authorize the Board of Managers of the Stockton State Hospital at Stockton to purchase lands for farm and dairy purposes for the use of the Stockton State Hospital at Stockton, under the control of said Board of Managers, and to construct necessary farm buildings and fencing thereon, and such other improvements as may be necessary for said purposes, and to purchase livestock, farming utensils, and other personal property necessary therefor, and appropriating money therefor.

Also: Assembly Bill No. 986—An Act to provide for the payment of the salary of the secretary of the State Engineer for the fortieth, forty-first, and forty-second fiscal years.

Also: Assembly Bill No. 980—An Act to amend Section 3390 of the Political Code,

relating to the permanent boundary line between the counties of Amador and El Dorado.

Also: Assembly Bill No. 1011—An Act to amend Sections 146 and 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 1014—An Act to amend an Act approved March 19, 1889, entitled "An Act authorizing the incurring indebtedness, by cities, towns, and municipal corporations, incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the Act approved March 9, 1885, entitled 'An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks'; and also to repeal an Act approved March 15, 1887, entitled 'An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State,'" by adding two new sections thereto, numbered $5\frac{1}{2}$ and $7\frac{1}{2}$ respectively, said new sections relating to the character, denomination, rate of interest, manner of issuance and sale of, and method of levy and collection of tax on municipality for payment of bonds issued in accordance with said Act.

Also: Assembly Bill No. 1010—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 786—An Act making an appropriation to pay the expenses of receiving the First Regiment California Volunteers upon their return from the Philippine Islands.

Also: Assembly Bill No. 949—An Act to provide for the exportation of non-citizen inmates of the State Hospitals for the Insane, and making an appropriation therefor.

Also: Senate Bill No. 47—An Act to appropriate money for the improvement of the Harbor of San Diego, by the Board of State Harbor Commissioners for San Diego Bay.

Also: Senate Bill No. 249—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending Section 3 thereof, relating to the enumeration of the inhabitants of a city or town.

Also: Assembly Bill No. 681—An Act to add a new section to the Political Code, to be known as Section 1891.

Also: Assembly Bill No. 130—An Act to amend Sections 650, 651, 653, 658, 659, 660, 661, 662, 939, 940, 950, 951, 953, and 963 of the Code of Civil Procedure, relating to appeals, and the practice thereof; and to repeal Section 952 thereof, relating to the same subject.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 624 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 986 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 980 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 1011 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 1014 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 1010 read first time, and ordered on special file of Assembly bills, without reference to committee.

Assembly Bill No. 786 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 949 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 681 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 130 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Senate Bills Nos. 47 and 249 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 9—Relative to the compensation of Supreme and Superior Court Judges.

Also: Amended, and adopted as amended, Senate Constitutional Amendment No. 4—

Proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be known and designated as Section 2½, Article II thereof, concerning primary elections.

Also: Passed Senate Bill No. 73—An Act providing for the ascertainment of the indebtedness of the State to the several district agricultural associations in this State, contracted in the improvement of the real estate of such associations, and in the holding of fairs.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 4?"

In line 13, page 2, printed bill, strike out the words "city, or in any."

Also: Strike out all of lines 14, 15, and 16, and insert in lieu thereof the following: "city, or any city and county, or in any county, or in any political subdivision of a designated population, and that such law shall be optional in any city, city and county, county, or political subdivision of a lesser population, and for such purpose such law may declare the population of any city, city and county, county, or political subdivision, and may also provide what, if any, compensation primary election officers in defined places or political subdivisions may receive without making compensation either general or uniform."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Bettman, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

The Secretary was directed to inform the Assembly, by message, that the Senate had concurred in the Assembly amendments to Senate Constitutional Amendment No. 4.

Senate Constitutional Amendment No. 4 ordered to engrossment and enrollment.

Senate Constitutional Amendment No. 9 and Senate Bill No. 73 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day received a report from the conference committee on Senate amendments to Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—wherein the committee reported that they were unable to agree, and the Assembly appointed Assemblymen Melick, Crowder, and Milice as a free conference committee to meet a like committee from the Senate.

Also: Passed Senate Bill No. 638—An Act to appropriate the sum of \$175 to pay the claim of the Healdsburg Tribune, for money due and owing the said Healdsburg Tribune from the State of California.

Also: Senate Bill No. 640—An Act to appropriate the sum of \$175 to pay the claim of Cloverdale Reveille, for money due and owing the said Cloverdale Reveille from the State of California.

Also: Senate Bill No. 641—An Act to appropriate the sum of \$1,200 to pay the claim of Oakland Enquirer Publishing Company, for money due and owing the said Oakland Enquirer Publishing Company from the State of California.

Also: Senate Bill No. 643—An Act making an appropriation to pay the claim of the Placer Herald, published in Auburn, for advertising the constitutional amendments for the year 1898.

Also: Senate Bill No. 644—An Act to appropriate the sum of \$175 to pay the claim of Mountain Democrat, Placerville (G. & J. Carpenter), for money due and owing the said Mountain Democrat, Placerville (G. & J. Carpenter), from the State of California.

Also: Senate Bill No. 684—An Act to appropriate the sum of \$150 to pay the claim of Reporter Publishing Company, Vacaville, for money due and owing the said Reporter Publishing Company from the State of California.

Also: Senate Bill No. 685—An Act to appropriate the sum of \$250 to pay the claim of George Roe, Vallejo Daily Times, for money due and owing the said George Roe, Vallejo Daily Times, from the State of California.

Also: Senate Bill No. 692—An Act to appropriate the sum of \$200 to pay the claim of Redwood City Democrat, for money due and owing the said Redwood City Democrat from the State of California.

Also: Senate Bill No. 694—An Act to appropriate the sum of \$150 to pay the claim of the River News, for money due and owing the said River News from the State of California.

Also: Concurred in Senate amendments to Assembly Bill No. 38—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 of said Act, relating to and providing for the government of counties of the third class.

Also: Passed Senate Bill No. 645—An Act to appropriate the sum of \$200 to pay the claim of Jewish Times-Observer, for money due and owing the said Jewish Times-Observer from the State of California.

Also: Concurred in Senate amendments to Assembly Bill No. 637—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State," as amended by an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State.'"

Also: Ordered that Assembly Bill No. 733—An Act making an appropriation to pay the claim of J. E. Edson—be returned to the Senate for correction of an apparent error.

Also: Concurred in Senate amendments to Assembly Bill No. 542—An Act to amend Sections 4 and 6 of an Act entitled an Act to amend Section 4 of an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897; and making an appropriation to pay the salary and expenditures provided for and authorized by said Act, for the remainder of the fiftieth and for the fifty-first and fifty-second fiscal years.

Also: Concurred in Senate amendments to Assembly Bill No. 811—An Act to appropriate the sum of \$1,600 to pay the claim of Evening Post Publishing Company, for money due and owing the said Evening Post Publishing Company from the State of California.

Also: Concurred in Senate amendments to Assembly Bill No. 996—An Act making appropriation for the support of the government of the State of California for the fifty-first and fifty-second fiscal years.

Also: Concurred in Senate amendments to Assembly Bill No. 789—An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American war of 1898, their privileges and exemptions, and the legalizing of orders and acts regarding the reorganization of the National Guard of the State of California.

Also: Concurred in Senate amendments to Assembly Bill No. 252—An Act concerning the erection and construction of barbed wire fences, and prescribing a penalty for the violation thereof.

Also: Concurred in Senate amendments to Assembly Bill No. 755—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of food, drink, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Also: Respectfully refused to pass Senate Bill No. 359—An Act to regulate the practice of architecture.

Also: Passed Senate Bill No. 650—An Act to appropriate the sum of \$750 to pay the claim of San Diego Vidette Company, for money due and owing the said San Diego Vidette Company from the State of California.

Also: Concurred in Senate amendments to Assembly Concurrent Resolution No. 24—Relative to the adoption of a special joint rule affecting consideration of bills during the remainder of the session.

Also: Adopted Assembly Joint Resolution No. 21—Relative to the restraint of traffic of convict-made goods to the States and Territories in which they are manufactured.

Also: Passed Assembly Bill No. 198—An Act entitled an Act to amend Section 1858 of the Political Code of this State.

Also: Passed Assembly Bill No. 672—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Respectfully receded from its amendments to Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Also: Adopted Assembly Constitutional Amendment No. 25—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to Article II thereof, to be known as Section No. 6, permitting the expression by ballot by the people of their preference for the office of United States Senator.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 638, 640, 641, 643, 644, 684, 685, 692, 694, 645, 650, and 320 ordered to enrollment.

Assembly Joint Resolution No. 21 ordered on special file of Assembly bills.

Assembly Bill No. 198 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 672 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Constitutional Amendment No. 25 ordered on special file of Assembly bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendment to Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors—and appointed Assemblymen Johnson, Boone, and Lardner as a committee of free conference to meet a like committee from the Senate.

Also: Refused to recede from its amendment to Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California—and appointed Assemblymen H. W. Miller, J. M. Miller, and Caninetti as a committee of conference to meet a like committee from the Senate.

Also: Refused to recede from its amendment to Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897—and appointed Assemblymen Radcliff, Raw, and Kenneally as a committee of conference to meet a like committee from the Senate.

Also: Amended, and passed as amended, Senate Bill No. 218—An Act to amend an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, and compelling all banks and banking and deposit institutions to publish sworn statements of unclaimed deposits.

Also: Passed Assembly Bill No. 885—An Act making an appropriation to pay the claim of the American Type Founders' Company, as an assignee, for publishing proposed constitutional amendments.

Also: Assembly Bill No. 570—An Act to amend Section 416 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the fees to be collected by the Secretary of State for services rendered by him in his official capacity.

Also: Assembly Bill No. 423—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Also: Assembly Bill No. 658—An Act to prevent the use of paranzella or drag-net in the waters of this State.

Also: Assembly Bill No. 226—An Act amending Section 2 of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining," approved March 30, 1874, relating to the taking of samples from mines, and for the better protection of the stockholders in mining corporations.

C. W. KYLE, Chief Clerk.

By H. S. WANZEE, Assistant.

Assembly Bill No. 885 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 570 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 423 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 658 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 226 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 218?"

Amend by adding after the word "living," in line 27, Section 1, page 2, the following: "or any deposit which, with the accumulations thereon, shall be less than fifty dollars."

Also: Amend the title by inserting after the word "banks" in line 3 of the title, the words "and banking and deposit institutions."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Doty, Feeney, Flint, Gillette, Laird, Langford, La Rue, Leavitt, Luchsinger, Nutt, Rowell, Taylor, Trout, and Wolfe—22.

NOES—None.

Senate Bill No. 218 ordered to enrollment.

The Secretary was directed to inform the Assembly, by message, that the Senate had concurred in the Assembly amendments to Senate Bill No. 218.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day directed that Assembly Bill No. 668—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges for the same—be returned to the Senate, in compliance with the request of your honorable body.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

WITHDRAWAL OF BILLS.

Senator Cutter asked unanimous consent to withdraw Senate Bill No. 199—An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature.

Also: Senate Bill No. 125—An Act to increase the membership of the auditing board to the Commissioner of Public Works.

Also: Senate Bill No. 321—An Act to amend Sections 354, 1489, 1492, 1497, and 1501 of the Political Code, relating to State Normal Schools.

Also: Senate Bill No. 572—An Act to amend an Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County, approved March 20, 1874, extending the time during which the Board of Directors may sit as a Board of Equalization.

Also: Senate Bill No. 160—An Act to provide for the classification of the roads in the State of California, and to define each class.

Also: Senate Bill No. 162—An Act to amend Article IV, Section 2651 of the Political Code, relating to General Road Fund and highway taxes.

Also: Senate Bill No. 163—An Act to amend Section 2655 of the Political Code, relating to highway taxes to be expended in districts.

Also: Senate Bill No. 164—An Act to provide for the acceptance of highways of the first class by the State, and the maintenance of the same, and to make appropriation therefor.

Also: Senate Bill No. 100—An Act for the protection of horticulture, and to prevent the introduction into this State of insects or diseases or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

Also: Senate Bill No. 364—An Act to amend Section 3 of an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897.

Also: Senate Bill No. 507—An Act entitled "An Act to prohibit the manufacture, or sale, or operation of any mechanical device or machine known as a slot machine, within the State of California."

Also: Senate Bill No. 508—An Act to amend Section 553 of the Code of Civil Procedure.

Also: Senate Bill No. 518—An Act to regulate the business of commission merchants, agents, factors, or brokers dealing in farm produce, poultry, grain, fruit, seeds, honey, or dairy products.

Also: Senate Bill No. 365—An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State.

Also: Senate Bill No. 489—An Act to locate and permanently establish the boundary line between the counties of Yolo and Solano.

Also: Senate Bill No. 234—An Act to prevent the defrauding of livery stable proprietors and managers, and providing for the punishment thereof.

Also: Senate Constitutional Amendment No. 10—Proposed amendment to the Constitution, adding a new section to Article XVI, relative to State indebtedness, authorizing the issuance of bonds for the purpose of the construction of a system of State highways.

Consent granted.

The above bills withdrawn and ordered stricken from the file.

CONSIDERATION OF SENATE BILLS.

On motion of Senator Dickinson, Senate bills not excluded by the rules were taken up and considered.

Senate Bill No. 733—An Act making an appropriation for the pay of officers and clerks of Senate, thirty-third session.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 733 passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Hall, Jones, Laird, Langford, Leavitt, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 734—An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the Controller and Treasurer to transfer the amount herein appropriated from the General Fund to said Adult Blind Fund.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 734 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunnhart, Bulla, Chapman, Currier, Cutter, Davis, Feeney, Jones, Laird, Langford, La Rue, Luchsinger, Morehouse, Nutt, Rowell, Simpson, Sims, Trout, and Wolfe—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 748—An Act making an appropriation to repair the roof, gutters, and conductors on the State Capitol building.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 748 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Hall, Langford, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Braunhart moved a reconsideration of the vote whereby Senate Bill No. 334—An Act to provide for the assessment, levy, and collection of an income tax—was refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Doty, Dwyer, Hall, Hoey, La Rue, Luchsinger, Maggard, Nutt, Prisk, Sims, Stratton, Taylor, and Trout—21.

NOES—Senators Bettman, Dickinson, Feeney, Flint, Laird, Leavitt, Morehouse, Rowell, Shortridge, Simpson, and Wolfe—11.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 334 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Gillette, Hall, Hoey, Langford, La Rue, Nutt, Prisk, Sims, Smith, and Stratton—21.

NOES—Senators Bettman, Dickinson, Feeney, Jones, Laird, Leavitt, Maggard, Morehouse, Rowell, Shortridge, Simpson, Taylor, Trout, and Wolfe—14.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER WITHDRAWN.

Senator Braunhart was granted unanimous consent to withdraw his notice made on yesterday of motion to reconsider the vote whereby Senate Bill No. 128 was on yesterday passed.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 17, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time

and manner of holding elections for Senator in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Jacob H. Neff, President of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—33.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenter, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—80.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Thursday, March 16, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Thursday, March 16, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutler, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Chapman, Doty, La Rue, Prisk, and Sims—5.

For J. C. Sims—Senators Ashe and Dwyer—2.

For A. B. Butler—Senators Braunhart, Curtin, and Pace—3.

For James D. Phelan—Senator Hall—1.

For Van R. Paterson—Senator Langford—1.

Whole number of votes cast by Senators	39
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	5 votes.
A. B. Butler received	3 votes.
James D. Phelan received	1 vote.
Van R. Paterson received	1 vote.
J. C. Sims received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, and Valentine—14.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Bree—3.

For Marion De Vries—Mr. E. D. Sullivan—1.

For A. B. Butler—Messrs. Boone, Burnett, Caminetti, Cowan, Feliz, Griffin, Hanley, Hoey, Mack, Meserve, O'Brien, Sanford, Wardell, and White—14.

For J. C. Sims—Messrs. Brooke and Mead—2.

For John Rosenfeld—Mr. Crowley—1.

For Jesse R. Grant—Mr. Fairweather—1.

For Stephen M. White—Messrs. Glenn and Stewart—2.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	14 votes.
M. M. Estee received	1 vote.
D. M. Burns received	19 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	3 votes.
Marion De Vries received	1 vote.
A. B. Butler received	14 votes.
J. C. Sims received	2 votes.
John Rosenfeld received	1 vote.
Jesse R. Grant received	1 vote.
Stephen M. White received	2 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	119
Necessary to a choice	60
W. H. L. Barnes received	21 votes.
M. M. Estee received	1 vote.
D. M. Burns received	27 votes.
U. S. Grant, Jr., received	30 votes.
Irving M. Scott received	6 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	7 votes.
J. C. Sims received	4 votes.
A. B. Butler received	17 votes.
James D. Phelan received	1 vote.
Van R. Paterson received	1 vote.
Jesse R. Grant received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President of the Senate directed the Secretary of the Senate to

call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Chapman, Doty, and Sims—3.

For E. H. Hamilton—Senators Ashe, Pace, and Prisk—3.

For J. C. Sims—Senators Braunnhart, Curtin, Dwyer, and La Rue—4.

For James D. Phelan—Senator Hall—1.

For Van R. Paterson—Senator Langford—1.

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E. H. Hamilton received	3 votes.
J. C. Sims received	4 votes.
James D. Phelan received	1 vote.
Van R. Paterson received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

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For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Launcie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Barea—3.

For J. F. Smith—Mr. O'Brien—1.

For Marion De Vries—Mr. Brooke—1.

For E. H. Hamilton—Mr. Boone—1.

For James D. Phelan—Messrs. Burnett and Hoey—2.

For Jesse R. Grant—Messrs. Caminetti, Fairweather, and Mead—3.

For J. C. Sims—Messrs. Cowan, Feliz, Hanley, Mack, Meserve, Sanford, E. D. Sullivan, and Wardell—8.

For Stephen M. White—Messrs. Glenn, Griffin, Stewart, and White—4.

For John Rosenfeld—Mr. Crowley—1.

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D. M. Burns received	27 votes.
U. S. Grant, Jr., received	30 votes.
Irving M. Scott received	6 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	7 votes.
E. H. Hamilton received	4 votes.
J. C. Sims received	12 votes.
James D. Phelan received	3 votes.
Van R. Paterson received	1 vote.
Jesse R. Grant received	3 votes.
J. F. Smith received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Prisk, the President of the Senate declared the Joint Assembly adjourned until twelve o'clock M. of Saturday, March 18, 1899.

IN SENATE.

RECONVENED.

At twelve o'clock and fifty minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Bulla, Chapman, Currier, Curtin, Davis, Dickinson, Flint, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Simpson, Sims, and Trout—21.

Quorum present.

RECESS.

At twelve o'clock and fifty-five minutes P. M., the hour of recess having arrived, the President of the Senate declared a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Laird, La Rue, Luchsinger, Maggard, Morehouse, Pace, Prisk, Rowell, Simpson, Stratton, Trout, and Wolfe—24.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Committee Substitute for Senate Bill No. 4—An Act to amend an Act entitled "An Act

to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer thereof; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 25, 1895.

JONES, Chairman.

Committee Substitute for Senate Bill No. 4 ordered on file for third reading.

CONSIDERATION OF URGENCY BILLS.

Senator Wolfe moved that Senate Bills Nos. 728 and 729 be taken up and considered.

Senator Bulla moved as a substitute that all bills pertaining to the government of counties, heretofore made cases of urgency, be considered.

Substitute motion carried.

Senate Bill No. 735—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 191, 197, 198, and 207 thereof.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 735 passed by the following vote:

AYES—Senators Bulla, Chapman, Currier, Curtin, Davis, Dickinson, Flint, Jones, Laird, Langford, La Rue, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Stratton, Taylor, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 736—An Act to amend Section 158 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Senator Wolfe moved that the bill be denied third reading.

The question being on the motion to deny bill third reading.

The ayes and noes were demanded by Senators Braunhart, Taylor, and Burnett.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bettman, Chapman, Davis, Dickinson, Feeney, Flint, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Shortridge, Simpson, and Wolfe—17.

NOES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Doty, Dwyer, Hall, La Rue, Pace, Prisk, Rowell, Stratton, Taylor, and Trout—15.

Senate Bill No. 736 ordered stricken from the file.

Senate Bill No. 737—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 737 passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Doty,

Dwyer, Flint, Gillette, Jones, Laird, Langford, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Smith, Stratton, Taylor, and Trout—25.

NOES—Senators Bettman, Boyce, Dickinson, Feeney, Hall, Hoey, La Rue, Pace, Shortridge, Simpson, and Wolfe—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received:

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your committee of conference concerning Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish—report that we have met a like committee of the Assembly, consisting of Assemblymen Belshaw, Hanley, and Devoto, and we report that the conference committee having failed to agree, do recommend that a committee on free conference be appointed.

BOYCE, Chairman.

Report read and adopted.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the above request, the President pro tem. appointed Senators Dickinson, Luchsinger, and Prisk a committee of free conference on Assembly Bill No. 365.

RECONSIDERATION.

In compliance with his notice given on yesterday, Senator Taylor moved a reconsideration of the vote whereby Assembly Bill No. 668—An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges for the same—was on yesterday refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Doty, Dwyer, Feeney, Hall, Hoey, Jones, Luchsinger, Nutt, Pace, Prisk, Shortridge, Sims, Stratton, Taylor, and Wolfe—24.

NOES—Senators Dickinson, Flint, Gillette, Laird, Langford, La Rue, Leavitt, Maggard, Morehouse, Rowell, Simpson, and Trout—12.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 668 finally passed by the following vote:

AYES—Senators Ashe, Boyce, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Feeney, Hall, Hoey, Jones, Laird, Luchsinger, Maggard, Nutt, Pace, Prisk, Shortridge, Simpson, Stratton, and Wolfe—23.

NOES—Senators Gillette, Langford, La Rue, Leavitt, Morehouse, Rowell, Sims, Taylor, and Trout—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILLS MADE CASSES OF URGENCY—(RESUMED).

Senate Bill No. 738—An Act amending Section 167 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 738 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Cutter, Dickinson, Doty, Dwyer, Gillette, Jones, Laird, Langford, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Stratton, Taylor, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

STATE SENATOR ELECT.

At three o'clock and forty minutes p. m., the Hon. J. W. Goad, State Senator-elect from the Eighth Senatorial District, presented himself at the bar of the Senate, was introduced to the Senators by the President pro tem., and thereupon presented his certificate of election, signed the roll, and took and subscribed to the following oath of office, administered by the Hon. Thomas Flint, Jr., President pro tem. of the Senate:

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Senator according to the best of my ability. So help me God.

Senator Goad was thereupon escorted by the Sergeant-at-Arms to his seat, and the Secretary was ordered to place his name on roll call.

CONSIDERATION OF SENATE BILLS MADE CASES OF URGENCY—(RESUMED).

Senate Bill No. 739—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 180 thereof.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 739 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Currier, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Jones, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Sims, Smith, Stratton, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 740—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 740 passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Stratton, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 741—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 741 passed by the following vote:

AYES—Senators Bettman, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hoey, Langford, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Rowell, Sims, Smith, Stratton, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 742—An Act amending Section 193 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 742 passed by the following vote:

AYES—Senators Bettman, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Hoey, Laird, Langford, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Sims, Smith, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 743—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

During the second reading of bill, the following amendment was offered by Senator Langford:

Amend by inserting the following enacting clause: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment lost.

The question being, "Shall the bill be ordered to third reading?"

The same was put and lost, and the bill ordered stricken from the file.

Senate Bill No. 744—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 179 of said Act, relating to counties of the twenty-second class.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 744 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Feeney, Flint, Hoey, Jones, Langford, La Rue, Leavitt, Maggard, Morehouse, Prisk, Rowell, Sims, Stratton, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 745—An Act to amend Section 194 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 745 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Hoey, Jones, Langford, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Stratton, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 746—An Act to amend Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 746 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Flint, Gillette, Hoey, Jones, Leavitt, Maggard, Nutt, Prisk, Rowell, Smith, Stratton, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 747—An Act to amend Section 181 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dwyer, Flint, Hoey, Jones, La Rue, Leavitt, Morehouse, Nutt, Prisk, Rowell, Smith, Stratton, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 749—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 of said Act, relating to and providing for the government of counties of the fourth class.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 749 passed by the following vote:

AYES—Senators Ashe, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Doty, Flint, Gillette, Goad, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger,

Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 750—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 185, 208, and 209.

Read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 750 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Flint, Gillette, Hoey, Jones, Laird, La Rue, Morehouse, Nutt, Rowell, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received:

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your committee of free conference concerning Senate Bill No. 337—An Act to amend Section 591 of the Penal Code—report that we have met a like committee of the Assembly, consisting of Assemblymen Miller of Los Angeles, Valentine, and Johnson, and we report that the free conference committee agreed upon and recommend that the Assembly recede from its Amendment No. 2.

BULLA, Chairman,
SIMS,
LUCHSINGER,
Committee.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Doty, Dwyer, Flint, Gillette, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

The Secretary was directed to inform the Assembly of the Senate's action on Senate Bill No. 337.

MOTION.

On motion of Senator Dickinson, Assembly Bill No. 1005 was taken up and considered.

At four o'clock and thirty minutes P. M., Hon. Frank W. Leavitt, State Senator from the Twenty-eighth District, in the chair.

Assembly Bill No. 1005—An Act to amend Section 183 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

During the second reading of bill, the following amendment was offered by Senator Doty:

Amend by striking out of Section 162, Assembly Bill No. 1005, all of the section from lines 5 to lines 164, all that applies to counties of the fifth class.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Braunhart, Doty, and Shortridge.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Currier, Doty, Langford, La Rue, Luchsinger, Nutt, Prisk, Rowell, Sims, Stratton, and Trout—14.

NOES—Senators Bettman, Boyce, Chapman, Curtin, Davis, Dickinson, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Leavitt, Morehouse, Shortridge, Taylor, and Wolfe—19.

Bill read second time, and ordered to third reading.

MOTION.

Senator Dickinson moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 179—An Act to regulate the letting of contracts for the erection, improvement, or repair of public school buildings.

Also: Assembly Bill No. 946—An Act making an appropriation to pay the claim of Thomas O. Toland, Trustee of the State Normal School at San Diego, for mileage in attending the meetings of the Joint Board of Normal School Trustees, held at San José in June, 1897, at Los Angeles in April, 1898, and Sacramento in September, 1898.

Also: Assembly Bill No. 248—An Act making an appropriation to pay the claim of Olive R. Chapman, arising upon a judgment recovered against the State of California, in the Superior Court of the City and County of San Francisco, on August 8, 1895.

Also: Hereby return to your honorable body, as per request, your message as to appointment of free conference committee on Senate Bill No. 202.

Also: Passed Assembly Bill No. 692—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the general permanent powers of Boards of Supervisors.

Also: Assembly Bill No. 779—An Act to amend Section 667 of the Penal Code of the State of California, relating to second offenses after conviction of former offenses.

Also: Assembly Bill No. 754—An Act making appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of Supreme Court for the fiftieth fiscal year.

Also: Assembly Bill No. 345—An Act making an appropriation to pay the claim of Fred B. Blakeley for the arrest of Ygnacio Eisler, for attempted highway robbery.

Also: Assembly Bill No. 569—An Act to amend Section 602 of the Penal Code of the State of California, and to add a new subdivision thereto, to be known as subdivision 8, making it a misdemeanor for animals to trespass upon property of another.

Also: Assembly Bill No. 694—An Act entitled "An Act to pay the claim of Fred Mason, for towel service furnished the Secretary of State during the forty-eighth fiscal year."

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 179 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 946 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 248 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 692 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 779 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 754 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 345 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 569 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 694 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 620—An Act making an appropriation to pay the claim of John W. Mitchell, for legal services.

Also: Senate Bill No. 651—An Act to appropriate the sum of \$400 to pay the claim of the Encinal Publishing Company, for money due and owing the said Encinal Publishing Company from the State of California.

Also: Senate Bill No. 653—An Act to appropriate the sum of \$200 to pay the claim of the Santa Clara News, for money due and owing the said Santa Clara News from the State of California.

Also: Amended, and adopted as amended, Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 620, 651, and 653 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 15?"

Strike out the words "and forty-fourth," in line 17, page 2, printed resolution, and insert in lieu thereof the words "forty-fourth and fiftieth."

Also: Strike out the word "three," line 20, page 2, printed resolution, and insert in lieu thereof the word "five."

Also: Insert after the word "years," in line 17, page 2, printed resolution, the words "and for unpaid teachers' salaries for the fiftieth fiscal year."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Feeney, Hall, Jones, La Rue, Leavitt, Luchsinger, Prisk, Rowell, Shortridge, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

Senate Constitutional Amendment No. 15 ordered to reëngrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, that the Senate had concurred in the Assembly amendments to Senate Constitutional Amendment No. 15.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel.

Also: Senate Bill No. 698—An Act to appropriate the sum of \$300 to pay the claim of the Daily Independent, for money due and owing the said Daily Independent from the State of California.

Also: Senate Bill No. 682—An Act to appropriate the sum of \$400 to pay the claim of the Daily Riverside Enterprise, for money due and owing the said Daily Riverside Enterprise from the State of California.

Also: Amended, and adopted as amended, Senate Constitutional Amendment No. 22—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 530, 698, and 682 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 22?"

AMENDMENT No. 1.

Amend by inserting after the word "and," in line 107, page 6, printed resolution, the words "the Supreme Court."

AMENDMENT No. 2.

Amend by striking out the words "section twenty-four is hereby annulled," in line 1, Section 24, page 9, printed resolution, and inserting in lieu thereof as follows: "No Judge of the Supreme Court, nor of a District Court of Appeals, nor of a Superior Court, shall draw or receive any monthly salary unless he shall take and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains undecided that has been submitted for decision for the period of ninety days."

AMENDMENT No. 3.

Amend the title so as to read as follows:

"Senate Constitutional Amendment No. 22—To propose to the people of the State of California, amending the Constitution of the State of California by amending sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal."

AMENDMENT No. 4.

Amend by striking out from the word "or," in line 34, Section 2, page 2, printed resolution, to the word "States," in line 41, Section 2, page 3, printed resolution, both inclusive, and inserting in lieu thereof the words "or where is necessarily drawn in question the validity of the Constitution or any statute of or authority exercised under this State on the ground of being repugnant to the Constitution or laws of the United States; or where is necessarily drawn in question the validity of any statute of or authority exercised under this State on the ground of being repugnant to the Constitution of this State."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Gillette, Goad, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Shortridge, Sims, Stratton, Trout, and Wolfe—28.
NOES—None.

Senate Constitutional Amendment No. 22 ordered to reëngrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, of the Senate's concurrence in the above amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1012—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Assembly Bill No. 1013—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as applied to counties of the twenty-eighth class.

Also: Passed Assembly Bill No. 952—An Act to provide for the appointment of a State Quarantine Officer by the State Board of Health, and to abolish the office of Quarantine Officer to the Board of Health for the City and County of San Francisco.

Also: Concurred in Senate amendments to Assembly Bill No. 441—An Act to named Section 7 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1893.

Also: Passed Assembly Bill No. 445—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Assembly Bill No. 446—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 1012 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 1013 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 952 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 445 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Assembly Bill No. 446 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

Also: Respectfully refused to pass Senate Bill No. 442—An Act to amend Section 949 of the Code of Civil Procedure, relative to what cases wherein an appeal stays proceedings.

Also: Passed Assembly Bill No. 92—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Action on Assembly amendments to Senate Constitutional Amendment No. 21 temporarily postponed.

Assembly Bill No. 92 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day received a report from the committee of conference on Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897—reciting that the conference committee was unable to agree, and Assemblymen Dibble, Rickard, and Cowan were appointed a free conference committee thereon to meet a like committee from the Senate.

Also: Assembly Bill No. 637—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State," as amended by an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State'"—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen Cobb, White, and O'Brien as a committee of conference on behalf of the Assembly to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

The question being, "Shall the Senate recede from Senate amendments to Assembly Bill No. 637?"

The roll was called, and the Senate refused to recede from its amendments to Assembly Bill No. 637 by the following vote:

AYES—None.

NOES—Senators Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Goad, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Trout, and Wolfe—28.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The President pro tem. appointed Senators Dwyer, Laird, and Maggard a committee of conference on Assembly Bill No. 637.

The Secretary was directed to inform the Assembly, by message, that the Senate had refused to recede from its amendments to Assembly Bill No. 637.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day received the report of the conference committee on Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California—wherein it was recited that the committee were unable to agree, and the Assembly appointed as a committee of free conference Assemblymen Miller of Los Angeles, Valentine, and Johnson, to meet a like committee from the Senate.

Also: Received a report from the committee of conference on Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish—reciting that the conference committee was unable to agree, and the following Assemblymen, viz: Boynton, Beecher, and Eugene Sullivan, were appointed a free conference committee thereon to meet a like committee from the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

MOTION.

On motion of Senator Sims, Assembly Bill No. 423 was taken up and considered.

Assembly Bill No. 423—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Read second time, and ordered to third reading.

SPECIAL ORDER SET.

On motion of Senator Wolfe, the consideration of Senate Substitute for Assembly Bill No. 728 and Assembly Bill No. 729 were made special orders for ten o'clock P. M. of this day.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS.

Assembly Bill No. 666—An Act making an appropriation to pay the claim of the City of Sacramento, for water furnished the State of California during the forty-ninth fiscal year.

Read second time, and ordered to third reading.

At five o'clock and fifteen minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 667—An Act making an appropriation to pay the claim of the City of Sacramento, for water furnished the State of California during the fiftieth fiscal year.

Read second time, and ordered to third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Doty:

Resolved, That Assembly Bills Nos. 1014, 1010, and 883 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that a bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

Senator Simpson moved to amend the resolution by including Assembly Bill No. 573.

Amendment lost.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Wolfe—29.
NOES—None.

SPECIAL ORDER SET.

On motion of Senator Ashe, the consideration of Assembly Bill No. 513 was made a special order for ten o'clock and thirty minutes P. M. of this day.

At five o'clock and thirty minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-eighth District, in the chair.

BILLS MADE CASES OF URGENCY.

Assembly Bill No. 1014—An Act to amend an Act approved March 19, 1889, entitled "An Act authorizing the incurring indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the Act approved March 9, 1885, entitled 'An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks;' and also to repeal an Act approved March 15, 1887, entitled 'An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State,' " by adding two new sections thereto, numbered $5\frac{1}{2}$ and $7\frac{1}{2}$, respectively, said new sections relating to the character, denomination, rate of interest, manner of issuance and sale of, and method of levy and collection of tax on municipality for payment of bonds issued in accordance with said Act.

During the second reading of bill, the following amendment was offered by Senator Doty:

Amend by inserting after the title the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received:

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your committee of conference concerning Assembly Bill No. 637—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State," as amended by an Act of March 29, 1897, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State"—report that we have met a like committee of the Assembly, consisting of Assemblymen Cobb, White, and O'Brien, and we report that the conference committee agreed upon and recommend that the Assembly concur in the Senate amendments.

DWYER, Chairman.

Report read and adopted.

RECESS.

At five o'clock and twenty-seven minutes P. M., on motion of Senator

Morehouse, the Senate was declared at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Simpson, Sims, Stratton, Taylor, Trout, and Wolfe—34.

Quorum present.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received:

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your committee of conference concerning Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897—report that we have met a like committee of the Assembly, consisting of Assemblymen Radcliff, Raw, and Kenneally, and we report that the conference committee has been unable to agree.

LEAVITT,
STRATTON,
LANGFORD,
Committee.

Report read and adopted.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the above request, the President pro tem. appointed Senators Cutter, Currier, and Langford a committee of free conference on Senate Bill No. 43.

CONSIDERATION OF BILLS MADE CASES OF URGENCY—(RESUMED).

Assembly Bill No. 883—An Act making an appropriation to pay the claim of the American Type Founders' Company, as an assignee, for publishing proposed constitutional amendments.

Read second time.

Read third time.

Senator Flint moved that Senator Leavitt be appointed as a special committee of one to amend the bill as follows:

Amend by striking out of Section 2, line 1, the word "immediately," and inserting the following: "the first day of January, nineteen hundred."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 883—An Act making an appropriation to pay the claim of the American Type Founders' Company, as an assignee, for publishing proposed constitutional amendments—with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

Assembly Bill No. 1010—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1010 finally passed by the following vote:

AYES—Senators Braunhart, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSTITUTIONAL AMENDMENT REFERRED TO COMMITTEE.

Senator Gillette moved that Assembly Constitutional Amendment No. 22 be re-referred to Committee on Judiciary.

So ordered.

MOTION.

Senator Leavitt moved to take up messages from the Assembly.

So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 707—An Act to appropriate the sum of \$600 to pay the claim of the Franco-Californien, for money due and owing the said Franco-Californien from the State of California.

Also: Senate Bill No. 718—An Act to appropriate the sum of \$250 to pay the claim of Sun Publishing Company, Colusa, for money due and owing the said Sun Publishing Company, Colusa, from the State of California.

Also: Senate Bill No. 719—An Act to appropriate the sum of \$250 to pay the claim of Santa Ana Standard, for money due and owing the said Santa Ana Standard from the State of California.

Also: Senate Bill No. 591—An Act to appropriate the sum of \$200 to pay the claim of Marin County Toecin, for money due and owing the said Marin County Toecin from the State of California.

Also: Senate Bill No. 562—An Act to appropriate the sum of \$600 to pay the claim of the Nevada Daily Transcript, for money due and owing the said Nevada Daily Transcript from the State of California.

Also: Senate Bill No. 727—An Act to appropriate the sum of \$250 to pay the claim of the Daily Hanford Journal, for money due and owing the said Daily Hanford Journal from the State of California.

Also: Senate Bill No. 726—An Act to appropriate the sum of \$150 to pay the claim of the Weekly New Era, for money due and owing the said Weekly New Era from the State of California.

Also: Senate Bill No. 728—An Act to appropriate the sum of \$375 to pay the claim of the County Paper, for money due and owing the said County Paper from the State of California.

Also: Senate Bill No. 654—An Act to appropriate the sum of \$150 to pay the claim of the Downey Champion, for money due and owing the said Downey Champion from the State of California.

Also: Committee Substitute for Senate Bills Nos. 142, 159, 204, and 453—An Act prescribing the manner of locating claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to reclaration of notices of location.

Also: Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for the lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897.

Also: Amended, and passed as amended, Senate Bill No. 450 -An Act to amend Section 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Also: Passed Assembly Bill No. 1015- An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 707, 718, 719, 591, 562, 727, 726, 728, 654, and 360, and Committee Substitute for Senate Bills Nos. 142, 159, 204, and 453 ordered to enrollment.

Assembly Bill No. 1015 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 450?"

Amend by striking out after the words "An Act," and inserting the following: "To amend section nine (9) of an Act entitled 'An Act creating a Board of Bank Commissioners, and prescribing their duties and powers,' approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners."

Also: Amend by inserting after the word "seventy-eight," in line 3, Section 1, the following: "and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners."

Also: Amend by striking out of Section 1, lines 6, 7, 8, and 9, the words "every savings bank, or bank, or banking corporation, doing business in this State, if incorporated before the passage of this Act," and every savings bank, or bank, or banking corporation, hereafter to be incorporated," and inserting the following: "any corporation mentioned in Section 3 of this Act, including banks in liquidation or insolvency."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Doty, Feeney, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Rowell, Simpson, Smith, Taylor, Trout, and Wolfe—24.

NOES—None.

Senate Bill No. 450 ordered to reëngrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, of the Senate's concurrence in the above amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Committee Substitute for Senate Bills Nos. 58 and 194—An Act to amend Sections 188, 189, and 190 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of official reporters of the Superior Court; and in Sections 188 and 189, relating also to the fees of Justices of the Peace and Constables, and in Section 188, also to the appointment and compensation of deputy license collectors.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Committee Substitute for Senate Bills Nos. 58 and 194?"

By striking out all after the words "An Act," in line 1 of the title thereof, and adding in lieu thereof the following words:

"To amend Sections 188, 189, and 190 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to the compensation of official reporters of the Superior Court; and in Section 189, relating also to the fees of Justices of the Peace and Constables."

"The People of the State of California, represented in Senate and Assembly, do enact as follows:

"SEC. 188. In counties of the thirty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

"1. The County Clerk one thousand five hundred dollars per annum.

"2. The Sheriff, three thousand five hundred dollars per annum, and a jailer at fifty dollars per month, to be paid out of the County Treasury.

"3. The Recorder, one thousand five hundred dollars per annum.

"4. The Auditor, one thousand dollars per annum.

"5. The Treasurer, one thousand two hundred dollars.

"6. The Tax Collector, twelve hundred dollars per annum, and a deputy at four dollars per day for not more than one hundred days in any one year, to be paid out of the County Treasury; *provided*, that he may appoint deputies for the collection of licenses whose compensation shall not exceed ten per cent of the amount collected.

"7. The Assessor, two thousand dollars per annum, and two deputies at a salary of five dollars per day for not more than one hundred days in any one year, to be paid out of the County Treasury.

"8. The District Attorney, one thousand four hundred dollars per annum, and twenty-five dollars for every conviction in any court, not exceeding five hundred dollars in any one year.

"9. The Coroner, such fees as are now or may be hereafter allowed by law.

"10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

"11. The Superintendent of Schools, one thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

"12. The Surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

"13. The Justices of the Peace shall receive, for their own use and benefit, the following fees, to wit: For filing each paper in civil actions, twenty-five cents. For issuing every writ or process by which suit is commenced, one dollar. For entering each suit on the docket, fifty cents. For issuing subpoenas for one or more witnesses, twenty-five cents. For administering oath or affirmation, twenty-five cents. For certifying to the same, twenty-five cents. For issuing writ of attachment for arrest, or for delivery of property, one dollar. For entering every final judgment, for the first folio, one dollar, for every subsequent folio, twenty-five cents. For entering any motion, rule, or order, twenty-five cents. For swearing a jury in either criminal or civil actions, fifty cents. For issuing an execution, fifty cents. For issuing supersedeas on an execution, fifty cents. For entering satisfaction of judgment, fifty cents. For issuing search warrants, to be paid for by the party demanding the same, one dollar. For issuing commission to take testimony, one dollar.

"For taking and approving any bond or undertaking directed by law to be taken or approved by him, fifty cents. For taking justification on bond, one dollar. For each day's service in civil cases, three dollars. For each day's service in criminal cases, either on trials, preliminary examinations, or hearings, three dollars. For abstract of judgment, one dollar. For copy of judgment, order, proceeding, or paper in his office, for each folio, twenty cents. For taking depositions in either civil or criminal cases, per folio, twenty cents. For each certificate, fifty cents. For making up and transmitting transcripts and papers on appeal, two dollars. All fees, including Constable fees, must be paid before the Justice shall be compelled to forward any papers on appeal. In all cases where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmitting of the transcript and papers, shall receive three dollars, which shall be paid before the papers are transmitted, and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. For taking an acknowledgment to any instrument, for the first name, fifty cents, for each additional name, twenty-five cents. For all services connected with the posting of estrays, including the transcript for the Recorder, three dollars. For celebrating marriage and returning certificate to Recorder, five dollars. For hearing and accepting a complaint in criminal actions, two dollars. For issuing a warrant of arrest, two dollars. For taking bail after a commitment, two dollars.

"14. Constables shall receive, for their own use and benefit, the following fees, to wit: In civil cases the same fees that are allowed to the Sheriff for like services. In criminal cases he shall receive for making every arrest, two dollars. For serving subpoenas on witnesses in criminal cases he shall receive twenty-five cents for each witness. For summoning a jury, two dollars and fifty cents. For every mile necessarily traveled in going only in executing a warrant of arrest, in serving a subpoena, taking a person before a magistrate or to prison, and for traveling in the performance of all other duties in criminal cases (*provided*, that in serving any process or in traveling to perform any other duty, two or more duties or service are required to be made or performed in the same matters, at the same time and in the same direction, only one mileage shall be charged and that to the most distant point), for each mile necessarily traveled, twenty-five cents.

"15. Each Supervisor, six hundred dollars, and twenty cents per mile traveling to county seat, which shall be in full compensation for all services, both as Supervisor and Road Commissioner; *provided*, that in case the said Supervisors shall not serve as Road Commissioners, then the salary for Supervisor shall be four hundred dollars per annum.

"16. In counties of this class the official reporter of the Superior Court shall receive as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts and in examinations for committal to the asylum for the insane, a monthly salary of one hundred dollars, payable out of the

County Treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county and paid out of the County Treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the Judge, by either party, or jointly by both parties, as the court may direct; *provided*, that if a reporter pro tempore shall be appointed by a Judge of the Superior Court under the provisions of section two hundred and seventy-one of the Code of Civil Procedure, he shall receive, as his compensation for his services for taking notes as herein provided, such sum as may be allowed by such Judge, which sum shall be deducted from the salary of the official reporter, and for transcription of said notes the fees herein provided; *further provided*, that when transcription of said notes shall be ordered by the Judge in civil cases, the amount paid therefor by the prevailing party shall be taxed as costs in the case.

"Sec. 189 In counties of the thirty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

"1. The County Clerk, one thousand five hundred dollars per annum.

"2. The Sheriff, four thousand two hundred and fifty dollars per annum; *provided*, the Sheriff shall also receive, for his own use and benefit, his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and provided further*, that the Sheriff shall also receive, for his own use and benefit, the mileage, fees, and commission for all service of all papers whatsoever issued by any court of the State outside of his county.

"3. The Recorder, one thousand eight hundred dollars per annum.

"4. The Auditor, one thousand dollars per annum.

"5. The Treasurer, one thousand eight hundred dollars per annum.

"6. The Tax Collector, five hundred dollars per annum; *provided*, as license collector, he shall, in addition, be entitled to receive and retain for his own use and benefit, ten per centum on all licenses collected by him.

"7. The Assessor, one thousand eight hundred dollars per annum, and one deputy at not to exceed five dollars per day, for not more than one hundred and twenty-five days in any year, to be paid out of the County Treasury.

"8. The District Attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

"9. The Coroner, such fees as are now or may be hereafter allowed by law.

"10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

"11. The Superintendent of Schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. And if the Board of Supervisors provide that he shall not engage in teaching, then he shall receive one thousand two hundred dollars per annum, and traveling expenses not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

"12. The Surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

"13. Justices of the Peace shall receive, for their own use and benefit, the following fees:

"For filing each paper, twenty-five cents; issuing any writ or process by which suit is commenced, one dollar; for entering such cause on his docket, fifty cents; for subpoena to each witness, twenty-five cents; for administering oath or affirmation, twenty-five cents; for certifying the same, fifty cents; for each certificate, fifty cents; for issuing writ of attachment or of arrest, or for delivery of property, two dollars; for entering any final judgment, per folio, for the first folio one dollar, for each additional folio, twenty-five cents; for taking and approving any bond or undertaking, directed by law to be taken or approved by him, fifty cents; for taking justification to a bond, one dollar; for swearing a jury, one dollar; for taking depositions, per folio, twenty cents; for entering satisfaction of judgment, fifty cents; for copy of judgment, order, docket, proceedings, or paper in his office, for each folio, twenty cents; for transcript of judgment, per folio, forty cents; for issuing commission to take testimony, one dollar; for issuing supersedeas to an execution, fifty cents; for making up and transmitting transcript and papers on appeal, two dollars; for issuing search warrant, one dollar; for issuing an execution, fifty cents; for celebrating marriage and returning certificate to the Recorder, five dollars; for all service and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars per day; for taking bail after commitment in criminal case, one dollar; for entering cause without process, one dollar; for entering judgment by confession, and only on affidavit, three dollars; for entering every motion, rule, order, verdict, or default, twenty-five cents.

"14. Constables shall receive for their own use and benefit the following fees:

"For serving summons and complaint on each defendant, one dollar; for making copy of summons, fifty cents; for attachment, two dollars, and all copies, one dollar; for taking bond or undertaking in any case in which he is authorized to take the same, one dollar; for serving every notice, rule, or order, one dollar; for advertising property for

sale under execution, or under any judgment or order of sale, one dollar; for serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars; for serving a subpoena, for each witness summoned, fifty cents; in all civil business, for each mile necessarily traveled, in going only, thirty cents; for commissions for receiving and paying over money on execution, or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, three per cent; on all sums above that amount, two per cent; for drawing and executing a Constable's deed, to include the acknowledgment, exclusive of stamp, to be paid by the grantee before delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar; for attending when required, on any court, in person or by deputy, for each day, three dollars; for making every arrest in a criminal proceeding, two dollars; for each mile necessarily traveled in criminal cases, twenty cents a mile both ways; for summoning a jury of twelve persons or less, two dollars; for summoning each additional juror, twenty-five cents; for conveying a prisoner when under arrest, the necessary expenses incurred in the transportation and mileage; in all cases where a keeper is required, in a Justice Court, by either the plaintiff or defendant, to take charge of property seized on attachment, execution, or other process, the Constable shall be allowed and be paid by the party requiring such keeper, the sum of two and a half dollars per day as compensation for such keeper; for every day waiting on court in criminal cases, either in person or by deputy, three dollars per day; for taking prisoner before any other magistrate, all necessary expenses and mileage; for all witnesses summoned in criminal cases, fifty cents; for selling property under execution or attachment, three dollars per day.

"15. Each Supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as Road Commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such Road Commissioner.

"16. In counties of this class the official reporter of the Superior Court shall receive as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in Justices' Courts, and in examinations for committal to the asylum for the insane, a monthly salary of one hundred dollars, payable out of the County Treasury, at the same time and in the same manner as the salary of county officers; and for transcription of said notes when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy, said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the County Treasury; and in civil cases to be paid by the party ordering the same, or, when ordered by the Judge, by either party, or jointly by both parties, as the Court may direct; *provided*, that if a reporter pro tempore shall be appointed by the Judge of the Superior Court under the provisions of section two hundred and seventy-one of the Code of Civil Procedure, he shall receive as his compensation for his services for taking notes, as herein provided, such sum as may be allowed by said Judge, which sum shall be deducted from the salary of the official reporter, and for transcription of said notes the fees hereby provided; *and provided further*, that no person shall be eligible to appointment as such official reporter unless he shall be at the time of his appointment a citizen of the United States and qualified as an elector to vote for Governor of this State; *further provided*, that when transcription of said notes shall be ordered by the Judge in civil cases, the amount paid therefor by the prevailing party shall be taxed as costs in the case.

"Sec. 190. In counties of the thirty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

- "1. The County Clerk, two thousand dollars per annum.
- "2. The Sheriff, four thousand dollars per annum, and all mileage for the service of papers issued out of any court outside of his county.
- "3. The Recorder, one thousand dollars per annum.
- "4. The Auditor, five hundred dollars per annum.
- "5. The Treasurer, one thousand five hundred dollars per annum.
- "6. The Tax Collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as License Collector.
- "7. The Assessor, four thousand dollars per annum.
- "8. The District Attorney, one thousand five hundred dollars per annum.
- "9. The Coroner, such fees as are now or may be hereafter allowed by law.
- "10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
- "11. The Superintendent of Schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
- "12. The Surveyor, such fees as are now or may be hereafter allowed by law.
- "13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
- "14. Constables, the following fees: For service of summons in civil cases for each defendant, to include the copy required by law, one dollar. For summoning a jury of twelve or less before a Justice of the Peace, one dollar, and fifty cents for each additional juror above twelve. For taking any bond required by law to be taken, fifty cents. For summoning each witness, twenty-five cents. For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents. For receiving and taking care of property on execution, order, or attachment, his actual necessary

expenses, to be allowed by the Justice who issued the order, attachment, or execution upon the affidavit of the Constable that the charges are correct, and that the expenses were necessarily incurred. For collecting all sums on execution, three per cent. For serving a warrant or order for the delivery of personal property or for making an arrest in a civil case, one dollar and fifty cents. For making each arrest in criminal cases, two dollars. For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit at the same time, mileage shall be charged only for the most distant, if they live in the same direction. For sales of estrays, the same fees as for sales under execution. For the transportation of prisoners to the County Jail the actual necessary expenses. For attending Justices' Courts and taking charge of a jury when required, in each case fifty cents.

"15. Each member of the Board of Supervisors, four hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

"16. In counties of this class the official reporter shall receive a salary of one hundred dollars per month, payable monthly, and in the same manner and at the same time as other county officers are paid, which salary shall be in full compensation for all services, both per diem and transcription of testimony, required of him in the Superior Court, and in the Justices' Courts of the county in examinations, and before the Coroner in homicide cases in all cases in which the county or the people of the State of California are a party. It shall be his duty to attend all examinations in the Justices' Courts and before the Coroner in homicide cases when not engaged in the Superior Court. In civil cases his fee for taking notes shall be at the rate of seven dollars and fifty cents per day and his fee for transcription of testimony shall be at the rate of ten cents per folio for the first copy and five cents for each succeeding copy, one half of which amount, both per diem and for transcription of testimony, shall be paid into court, to be paid into the County Treasury by the clerk of the court, and the remaining half shall be paid to the reporter and be retained by him as full compensation for his services in civil cases. He shall receive his actual traveling expenses while attending Justices' Courts and before the Coroner."

AMENDMENT No. 1.

Strike out the word "forty," in line 64, page 6, printed bill, and insert the word "twenty."

AMENDMENT No. 2.

Strike out the words "one dollar," in line 81, page 7, printed bill, and insert the words "fifty cents."

AMENDMENT No. 3.

Strike out of line 90, page 7, printed bill, the word "thirty," and insert the word "twenty-five."

AMENDMENT No. 4.

Insert after the word "twenty," line 101, page 7, printed bill, the word "five."

AMENDMENT No. 5.

Add after word "mile" at end of line 101, page 7, the words "one way only."

AMENDMENT No. 6.

Strike out of line 102, page 7, printed bill, the words "both ways."

AMENDMENT No. 7.

Add after the word "mileage," line 105, page 7, in place of the period, the words "one way only."

AMENDMENT No. 8.

Strike out of line 110, page 8, the words "and a half."

AMENDMENT No. 9.

Insert after the word "copy," line 132, page 8, the words "when the copy is ordered by the Judge of the Superior Court."

AMENDMENT No. 10.

Strike out all of lines 146, 147, 148, and all in line 149, ending with the word "State," page 9, and insert in lieu thereof the following: "That in trials and other proceedings in civil actions, and in insolvency, probate, and other proceedings in the Superior Court, or before a court commissioner, or referee, where there is a contest or issue joined on, or on objections filed, the parties thereto shall pay in advance each day to the clerk, to be by him paid into the County Treasury as and when other fees are by him paid therein, a reporter's per diem of seven and one half dollars, to be paid equally by such parties in the first instance, and the amount paid therefor by the prevailing party to be taxed and collected as other costs are taxed and collected in such actions or proceedings."

AMENDMENT No. 11.

Add a new paragraph following line 152, page 9, printed bill, to read as follows:
"This section shall take effect immediately."

AMENDMENT No. 12.

Add a new section to the bill, to read as follows:

"SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed."

AMENDMENT No. 13.

Insert after the enacting clause the following:

"SEC. 1. Section 188 of said Act is hereby amended to read as follows."

AMENDMENT No. 14.

Insert after line 132, page 5, the following:

"SEC. 2. Section 189 of said Act is hereby amended to read as follows."

AMENDMENT No. 15.

Insert immediately before words "Section 190," line 1, page 9, the following:

"SEC. 3. Section 190 of said Act is hereby amended to read as follows."

AMENDMENT No. 16.

Strike out in title all after the words "An Act" where they first occur therein and insert the following:

"To amend Sections 188, 189, and 190 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to the compensation of official reporters of the Superior Court; and in Sections 188 and 189, relating also to the fees of Justices of the Peace and Constables, and in Section 188, also to the appointment and compensation of deputy license collectors."

Also: Insert in line 133, page 8, printed bill, after the word "cases," the following: "Subject to the provisions of this subdivision."

Also: Insert after the word "Treasury," line 135, page 8, printed bill, the following: "provided, that no compensation for transcription of notes in other than civil actions or proceedings shall be paid to such reporter by the county, except in criminal cases appealed from said Superior Court."

The roll was called, and the Assembly amendments were concurred in by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Curtin, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Langford, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Smith, Taylor, Trout, and Wolfe—25.

NOES—None.

Committee Substitute for Senate Bills Nos. 58 and 194 ordered to reëngrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, of the Senate's concurrence in the above amendments.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS.

On motion of Senator Dickinson, the special file of appropriation and claims bills was taken up and considered.

Assembly Bill No. 54—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 54 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Doty, Dwyer, Feeney, Flint, Hoey, Jones, La Rue, Leavitt, Morehouse, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 92—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County

of Los Angeles, State of California, and making an appropriation for the same.

Read second time, and ordered to third reading.

Assembly Bill No. 424—An Act to provide for the construction of a building for library purposes, and additional classrooms at the State Normal School in San José, and to provide for furnishing equipment and heating and ventilation apparatus therefor, and making appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 424 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hoey, Langford, La Rue, Leavitt, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 402—An Act authorizing the Superintendent of Public Instruction to purchase necessary metallic filing and book cases, and to furnish and repair his office, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 402 passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hoey, La Rue, Prisk, Rowell, Shortridge, Sims, Smith, Taylor, and Trout—21.

NOES—Senators Burnett, Davis, Feeney, Laird, Langford, Luchsinger, Nutt, and Pace—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 938—An Act authorizing the Governor to order the transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof of such funds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 938 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Dwyer, Flint, Gillette, Hall, Langford, La Rue, Leavitt, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Morehouse asked unanimous consent to withdraw Senate Bill No. 713—An Act to provide for certain improvements and repairs at the State Normal School at San José, and making an appropriation therefor—and to substitute therefor on file Assembly Bill No. 950.

Senate Bill No. 713 withdrawn and ordered stricken from the file, and Assembly Bill No. 950 substituted therefor on file.

SPECIAL FILE OF APPROPRIATION AND CLAIMS BILLS—(RESUMED).

Assembly Bill No. 950—An Act to provide for certain improvements and repairs at the State Normal School at San José, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 950 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Morehouse, Prisk, Rowell, Shortridge, Simpson, Smith, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 500—An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 500 passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Currier, Cutter, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Langford, Leavitt, Luchsinger, Morehouse, Shortridge, Simpson, Taylor, Trout, and Wolfe—22.

NOES—Senators Bulla, Burnett, and La Rue—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 594—An Act to appropriate the sum of \$25,000 to pay the claim of Claus Spreckels, for money due and owing to said Claus Spreckels from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 594 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Langford, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 455—An Act to repay and reimburse John C. Pelton, for money expended and for services rendered in establishing the first free public school in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 455 refused passage by the following vote:

AYES—Senators Bettman, Chapman, Currier, Cutter, Davis, Dickinson, Dwyer, Hall, Hoey, Jones, Langford, Nutt, Pace, Shortridge, Simpson, Trout, and Wolfe—17.

NOES—Senators Ashe, Braunhart, Bulla, Burnett, Doty, Gillette, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Sims, Smith, and Taylor—16.

Bill ordered transmitted to the Assembly.

Senate Bill No. 396—An Act making an appropriation to pay the

claim of D. E. O'Keefe, for publishing summons in foreclosing interest of delinquent purchasers of State school lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 396 passed by the following vote:

AYES—Senators Ashe, Bettman, Braunnhart, Bulla, Chapman, Currier, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Goad, Hall, Hoey, Laird, Langford, La Rue, Leavitt, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 622—An Act making an appropriation to pay the contingent expenses of the Commissioners for the Revision and Reform of the Law for the forty-eighth, forty-ninth, and fiftieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 622 passed by the following vote:

AYES—Senators Bettman, Braunnhart, Chapman, Currier, Davis, Dickinson, Doty, Gillette, Hall, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Smith, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 623—An Act to appropriate the sum of \$81 18 to pay the claim of C. A. Williams, for money due and owing to the said C. A. Williams from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 623 passed by the following vote:

AYES—Senators Bettman, Braunnhart, Bulla, Chapman, Currier, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Nutt, Pace, Prisk, Shortridge, Smith, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 624—An Act to appropriate the sum of \$200 to pay the claim of Scott Calhoun, for money due and owing the said Scott Calhoun from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 624 passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Jones, La Rue, Leavitt, Pace, Prisk, Shortridge, Sims, Smith, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 625—An Act to appropriate the sum of \$21 50 to pay the claim of M. G. Barrett, for money due and owing the said M. G. Barrett from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 625 passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Morehouse, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 618—An Act making an appropriation to pay the claim of Office Specialty Manufacturing Company, for metallic furniture furnished the Clerk of the Supreme Court at Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Gillette, Hoey, Jones, Laird, La Rue, Pace, Prisk, Sims, Smith, Stratton, and Trout—22.

NOES—Senators Leavitt, Luchsinger, and Nutt—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 504—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 504 passed by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, Morehouse, Nutt, Prisk, Rowell, Smith, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 581—An Act to provide payment of costs of suit in foreclosing delinquent purchasers of State school lands, and make appropriations therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 581 finally passed by the following vote:

AYES—Senators Braunhart, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, and Smith—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 445—An Act making an appropriation to pay for concrete floor in basement of the State Capitol, and for ventilating said basement, and requiring that the work be done under the direction of the Secretary of State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 445 passed by the following vote:

AYES—Senators Bettman, Bulla, Chapman, Curtin, Davis, Doty, Dwyer, Feeney

Flint, Gillette, Hoey, La Rue, Morehouse, Nutt, Pace, Prisk, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 730—An Act to appropriate the sum of \$1,300 to pay the claim of William Henry Murray, for money due and owing to the said William Henry Murray from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 730 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, and Trout—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 756—An Act making an appropriation to pay the claim of Louise Rienzi, for services rendered the State Board of Silk Culture as instructress and silk expert.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 756 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Morehouse, Pace, Prisk, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At nine o'clock and fifty-five minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-eighth District, in the chair.

Assembly Bill No. 248—An Act making an appropriation to pay the claim of Olive R. Chapman, arising upon a judgment recovered against the State of California in the Superior Court of the City and County of San Francisco, on August 8, 1895.

Read second time, and ordered to third reading.

SPECIAL ORDER.

The consideration of Senate Substitute for Assembly Bill No. 728 and Assembly Bill No. 729, this day set as a special order for this hour, the same was proceeded with.

Senate Substitute for Assembly Bill No. 728—An Act appropriating money to pay the expenses of assisting in the maintenance of an exposition to be held in the City and County of San Francisco in 1901, to be known as the Pacific Ocean and International Exposition, and to provide commissioners therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Substitute for Assembly Bill No. 728 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Cutter, Dickinson, Doty, Dwyer, Feeney, Goad, Hall, Hoey, Morehouse, Nutt, Pace, Prisk, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—24.

NOES—Senators Bulla, Curtin, Davis, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Rowell, Smith, and Stratton—13.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 729—An Act authorizing the appropriation of moneys by the several counties, and cities and counties, and the municipal corporations, for the purpose of advancing and maintaining their respective interests, by exhibit of products and otherwise, at the Pacific Ocean and International Exposition.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 729 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Dickinson, Dwyer, Feeney, Goad, Hall, Hoey, Morehouse, Pace, Prisk, Shortridge, Simpson, Sims, Taylor, Trout, and Wolfe—22.

NOES—Senators Bulla, Currier, Davis, Doty, Gillette, Jones, Laird, La Rue, Leavitt, Rowell, Smith, and Stratton—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and fifteen minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

SPECIAL ORDER.

The consideration of Assembly Bill No. 513, set this day as a special order, the same was proceeded with.

Assembly Bill No. 513—An Act entitled "An Act to prohibit the manufacture or sale or operation of any mechanical device or machine known as a slot machine, within the State of California."

Read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 550—An Act to amend Section 296 of the Civil Code, relating to the filing of articles of incorporation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Assembly Bill No. 550 ordered on special file of Assembly bills for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Concurrent Resolution No. 23—Relative to constitutional amendments—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Also: Assembly Constitutional Amendment No. 22—Relative to the regulation of charges of telephone corporations—have had the same under consideration, and respectfully report the same back, without recommendation.

GILLETTE, Chairman.

Assembly Concurrent Resolution No. 23 and Assembly Constitutional Amendment No. 22 ordered on special file of Assembly bills.

SUSPENSION OF RULES FOR PURPOSE OF RECONSIDERATION.

Senator Bettman moved that the rules be suspended, and that the vote whereby Assembly Bill No. 455—An Act to repay and reimburse John C. Pelton, for money expended and for services rendered in establishing the first free public school in the State of California—was refused passage be reconsidered.

The roll was called, and the rules suspended for the purpose of considering Assembly Bill No. 455 by the following vote:

AYES—Senators Bettman, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Flint, Goad, Hall, Jones, Leavitt, Luchsinger, Morehouse, Nutt, Simpson, Stratton, and Wolfe—22.

NOES—Senators Ashe, Doty, Gillette, La Rue, Rowell, and Smith—6.

RECONSIDERATION.

Senator Ashe moved that the vote whereby Assembly Bill No. 455—An Act to repay and reimburse John C. Pelton, for money expended and for services rendered in establishing the first free public school in the State of California—was refused passage be reconsidered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Braunnhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Goad, Hall, Hoey, Jones, Laird, Leavitt, Morehouse, Nutt, Simpson, Stratton, Trout, and Wolfe—25.

NOES—Senators Doty, Gillette, La Rue, Luchsinger, and Smith—5.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 455 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunnhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Hall, Hoey, Jones, Luchsinger, Morehouse, Nutt, Trout, and Wolfe—21.

NOES—Senators Bulla, Flint, Gillette, Laird, La Rue, Leavitt, Rowell, Simpson, Smith, Stratton, and Taylor—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Cutter, his motion to reconsider the vote whereby Assembly Constitutional Amendment No. 19—A resolution proposing an amendment to the Constitution of the State of California, by adding a new section to Article XIII of said Constitution, to be numbered 12½, relating to revenue and taxation—was on a previous day refused adoption, was postponed until next legislative day.

CONSIDERATION OF BILLS OUT OF ORDER.

On motion of Senator Doty:

Assembly Bill No. 1014—An Act to amend an Act approved March 19, 1889, entitled "An Act authorizing the incurring indebtedness, by cities, towns, and municipal corporations, incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the Act approved March 9, 1885, entitled 'An Act to authorize municipal corporations of the fifth class, containing more than 3,000 and less than

10,000 inhabitants to obtain waterworks;’ and also to repeal an Act approved March 15, 1887, entitled ‘An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State,’” by adding two new sections thereto, numbered 5½ and 7½ respectively, said new sections relating to the character, denomination, rate of interest, manner of issuance and sale of, and method of levy and collection of tax on municipality for payment of bonds issued in accordance with said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1014 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, La Rue, Luchsinger, Morehouse, Nutt, Rowell, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Flint:

Assembly Bill No. 309—An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern metallic bookcases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 309 finally passed by the following vote:

AYES—Senators Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Simpson, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Luchsinger:

Assembly Bill No. 741—An Act entitled “An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor; and to prescribe the punishment for a violation of the game laws of this State.”

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 741 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Taylor:

Assembly Bill No. 995—An Act to create and regulate public warehouses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 995 finally passed by the following vote:

AYES—Senators Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Jones, Laird, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Stratton, Taylor, and Trout—21.

NOES—Senators Bettman, Braunhart, Bulla, and Feeney—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Gillette:

Assembly Bill No. 574—An Act to pay the claim of Talbot H. Wallis.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 574 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Goad, Hall, Hoey, Laird, La Rue, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Smith, Taylor, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received:

SENATE CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: Your committee of free conference concerning Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish—report that we have met a like committee of the Assembly, consisting of Assemblymen Boynton, Beecher, and Eugene Sullivan, and we report that the free conference committee agreed upon and recommend that we recede from Senate Amendment No. 1, and that the Assembly concur in Senate Amendment No. 2.

LUCHSINGER, Chairman.

Report read and adopted.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Bulla, messages from the Governor were taken up, read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, March 17, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 9—An Act to amend an Act in relation to foreign corporations, approved April 1, 1872.

HENRY T. GAGE,
Governor of the State of California.

Referred to Committee on Executive Communications and Nominations.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, March 17, 1899. }

To the Senate of the State of California:

I herewith return to your honorable body, without my approval, Senate Bill No. 56—An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges, and officers connected with the Supreme Court—with my objections thereto.

I disapprove of this bill because it purports in its title to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and officers con-

nected with the Supreme Court, whereas, in fact, there is nothing stated, either in the original section of the Code sought to be amended or in the present bill, relating to the salaries of Justices of the Supreme Court or officers connected with the Supreme Court.

HENRY T. GAGE,
Governor of the State of California.

Referred to Committee on Executive Communications and Nominations.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Bulla, the second reading of Assembly bills was taken up.

Assembly Bill No. 105—An Act for the relief of district agricultural associations or district agricultural societies, and appropriating the sum of \$75,000 for such purposes.

Read second time, and ordered to third reading.

Assembly Bill No. 699—An Act making an appropriation to pay the claim of John J. Snyder, for costs of suit in foreclosing delinquent purchasers of State school lands.

Read second time, and ordered to third reading.

Assembly Bill No. 685—An Act entitled "An Act to prohibit the manufacture, or sale, or operation, of any mechanical device or machine known as a slot machine, within the State of California."

Read second time, and ordered to third reading.

Assembly Bill No. 1006—An Act to create a Department of Public Works, to define the powers and duties thereof, and of the Secretary of Public Works, to fix his compensation, to provide for the officers and assistants of said department, and to make an appropriation for the payment of salaries and other expenditures thereof.

Read second time, and ordered to third reading.

Assembly Bill No. 818—An Act to amend Section 833 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read second time, and ordered to third reading.

Assembly Bill No. 646—An Act to provide special quarters in county, city and county jails, city jails, or police stations, for juvenile prisoners.

Read second time, and ordered to third reading.

Assembly Bill No. 780—An Act to amend Section 647 of the Penal Code of California, relating to vagrants.

Read second time and ordered to third reading.

Assembly Bill No. 738—An Act authorizing and directing refund to parties, their attorneys, their heirs and assigns, of unconsumed portions of money deposited as security for costs in actions and proceedings in District Courts and Superior Courts of this State, approved March 5, 1870.

Read second time, and ordered to third reading.

Assembly Bill No. 714—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication.

Read second time, and ordered to third reading.

Assembly Bill No. 713—An Act for the protection and propagation of pheasants.

Read second time, and ordered to third reading.

Assembly Bill No. 754—An Act making an appropriation to pay the

deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fiftieth fiscal year.

Read second time, and ordered to third reading.

Assembly Bill No. 550—An Act to amend Section 296 of the Civil Code, relating to the filing of articles of incorporation.

Read second time, and ordered to third reading.

Assembly Bill No. 527—An Act authorizing the Boards of Supervisors of all counties in this State to refund the indebtedness of said county, to issue bonds therefor, and to provide for the payment of the same.

Read second time, and ordered to third reading.

Assembly Bill No. 867—An Act adding a new section to the Penal Code, to be known as Section 402, in relation to the running at large of hogs.

Read second time, and ordered to third reading.

Assembly Bill No. 305—An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any and all moneys or assets for which such sureties are or may be held responsible.

Read second time, and ordered to third reading.

Assembly Bill No. 629—An Act to add a new section to the Penal Code, said section to be designated as Section 625½, relating to oil pipelines.

Read second time, and ordered to third reading.

Assembly Bill No. 588—An Act to amend Section 412 of the Penal Code, relating to boxing and sparring matches, and prize or ring fights.

Read second time, and ordered to third reading.

Assembly Bill No. 449—An Act concerning a Veteran Volunteer Firemen's Association of California, and to provide for its management and control, and to appropriate money for its support, and relating to enrollment, formation into fire companies, and services as firemen of such veteran volunteer firemen.

Read second time, and ordered to third reading.

Assembly Bill No. 946—An Act making an appropriation to pay the claim of Thomas O. Toland, Trustee of the State Normal School of San Diego, for mileage in attending the meetings of the Joint Board of Normal School Trustees held at San José in June, 1897, at Los Angeles in April, 1898, and at Sacramento in September, 1898.

Read second time, and ordered to third reading.

Assembly Bill No. 255—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known and numbered Section 2664, relating to highway taxes.

Read second time, and ordered to third reading.

SPECIAL ORDER SET.

Senator Rowell moved that on to-morrow each Senator be permitted to name a bill, to be made a special order immediately after reading of the Journal.

So ordered.

MOTION.

Senator Bulla moved to take up messages from the Assembly.

So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 522—An Act to provide for the advertising of the constitutional amendments, and to make an appropriation therefor.

Also: Senate Bill No. 733—An Act making an appropriation for pay of officers and clerks, Senate, thirty-third session.

Also: Amended, and passed as amended, Senate Bill No. 438—An Act to amend Section 1585 of the Code of Civil Procedure of the State of California, relating to the administration and disposition of the assets of a deceased copartner.

Also: Passed Senate Bill No. 119—An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bills Nos. 522, 733, and 119 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 438?"

Amend by striking out all after the enacting clause and inserting the following:

"SECTION 1. Section 1585 of the Code of Civil Procedure is hereby amended so as to read as follows:

"Section 1585. When a partnership exists between the decedent, at the time of his death, and any other person, the surviving partner has the right to continue in possession of the partnership, and to settle its business, but the interest of the decedent in the partnership must be included in the inventory, and be appraised as other property. The surviving partner must settle the affairs of the partnership without delay and account with the executor or administrator, and pay over such balances as may from time to time be payable to him, in right of the decedent. Upon the application of the executor or administrator, the court, or a judge thereof, may, whenever it appears necessary, order the surviving partner to render an account, and in case of neglect or refusal may, after notice, compel it by attachment; and the executor or administrator may maintain against him any action which the decedent could have maintained. Immediately upon the death of a partner, the surviving partner shall forthwith prepare a complete verified inventory of all the partnership property, rights, credits, moneys, and effects, appraised by such partner at its true value, and file the same with the County Clerk of the county in which the business is conducted. Upon the filing of the said inventory, the court may, upon application of the executor or administrator, order the surviving partner to give a bond in at least double the amount of the interest of said deceased in the partnership assets as shown by said inventory, for the proper performance of his duty in settling up the business of said partnership."

The roll was called, and the Assembly amendment concurred in by the following vote:

AYES—Senators Bettman, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Doty, Flint, Gillette, Hoey, Laird, La Rue, Leavitt, Luchsinger, Prisk, Rowell, Stratton, Taylor, and Wolfe—21.

NOES—None.

Senate Bill No. 438 ordered to reëngrossment and enrollment.

The Secretary was directed to inform the Assembly, by message, of the Senate's concurrence in the above amendment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 53—An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens.

Also: Struck from the file Senate Bill No. 273—An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds, or more, in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town—a like Assembly bill having been presented to the Governor.

- Also: Refused passage to Senate Bill No. 408—An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Action on Assembly amendments to Senate Bill No. 53 postponed until to-morrow.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. SPEAKER: I am directed to inform your honorable body that the Assembly on this day respectfully refused to adopt the report of the committee of free conference on Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California—and appointed Assemblymen Brown, White, and Kelsey as a new committee of free conference thereon, and respectfully request that a like committee be appointed by the Senate.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the above request, the President pro tem. appointed Senators Morehouse, Currier, and Prisk a committee of free conference on Senate Bill No. 337.

MOTION.

On motion of Senator Cutter, Assembly Bill No. 846 was taken up and considered.

Assembly Bill No. 846—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 846 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Prisk, Rowell, Smith, and Taylor—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Leavitt moved to take up messages from the Assembly.
So ordered.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to pass Senate Bill No. 122—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

Also: Passed, as amended by conference committee, Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of this Act.

Also: Respectfully struck out the enacting clause from Senate Bill No. 493—An Act to provide for sweeping, cleaning, and sprinkling streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities.

Also: Passed Senate Bill No. 283—An Act to appropriate money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 283 ordered to enrollment.

ADJOURNMENT.

At twelve o'clock and thirty-seven minutes A. M., on motion of Senator Stratton, the Senate was declared adjourned until nine o'clock and thirty minutes A. M. of Saturday, March 18, 1899.

IN SENATE.

SENATE CHAMBER,
Saturday, March 18, 1899. }

Pursuant to adjournment, the Senate met at nine o'clock and thirty minutes A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—28.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. J. Sturtevant.

READING AND APPROVAL OF JOURNALS.

The Journal of Friday, March 17, 1899, was read.

The Journal of Wednesday, March 15, 1899, was approved.

PERMISSION TO INTRODUCE BILLS.

Senators Curtin and Jones requested that they be each granted permission to introduce a bill, to be known as Senate Bill No. 751 and Senate Joint Resolution No. 23, respectively.

On the question, the roll was called, with the following result:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Trout, and Wolfe—27.
NOES—None.

Whereupon the President declared that the aforementioned Senators, having received the consent of two thirds of the members, as required by Section 2 of Article IV of the Constitution, were entitled to introduce the bills for which consent was requested.

INTRODUCTION OF BILLS, ETC.

The following bill and joint resolution were introduced:

By Senator Curtin: Senate Bill No. 751—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Read first time, and ordered on file without reference to committee.

By Senator Jones: Senate Joint Resolution No. 23—Relative to guarding the beet-sugar industry.

Ordered on file without reference to committee.

CONSIDERATION OF ASSEMBLY BILL No. 249.

Assembly Bill No. 249—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and the means for the enforcement of this Act.

The report of free conference on Assembly Bill No. 249 having been adopted on March 16, 1899, and printed in the Journal of that date.

The question was on the final passage of the bill.

The roll was called, and Assembly Bill No. 249, as amended by the committee of free conference, finally passed by the following vote:

AYES—Senators Bulla, Chapman, Currier, Curtin, Cutter, Davis, Doty, Flint, Gillette, Hoey, Jones, Laird, Langford, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Stratton, and Trout—22.

NOES—Senator Bettman—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

At ten o'clock and forty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

SPECIAL ORDER.

The making up of a list of bills, in compliance with resolution previously adopted, each Senator naming one, to be first considered this day.

The same was proceeded with.

Each Senator, as his name was called, announced the number of a bill to be placed on said list, as follows:

Senator Ashe	Assembly Bill No. 423
Senator Bettman	Assembly Bill No. 877
Senator Boyce	Substitute for Senate Bill No. 36
Senator Braunhart	Assembly Bill No. 726
Senator Bulla	Assembly Bill No. 435
Senator Burnett	Assembly Bill No. 19
Senator Chapman	Assembly Bill No. 417
Senator Currier	Assembly Bill No. 538
Senator Curtin	Assembly Bill No. 346
Senator Davis	Assembly Joint Resolution No. 23
Senator Doty	Assembly Bill No. 255
Senator Dwyer	Assembly Bill No. 447
Senator Feeney	Assembly Bill No. 911
Senator Flint	Assembly Bill No. 629
Senator Gillette	Assembly Bill No. 745
Senator Goad	Assembly Joint Resolution No. 24
Senator Hall	Assembly Bill No. 692
Senator Hoey	Assembly Bill No. 237
Senator Jones	Assembly Bill No. 878
Senator Laird	Assembly Bill No. 899
Senator Langford	Assembly Bill No. 104
Senator La Rue	Assembly Bill No. 946
Senator Leavitt	Assembly Bill No. 459
Senator Luchsinger	Assembly Bill No. 449
Senator Maggard	Assembly Bill No. 952

Senator Morehouse	Assembly Bill No. 916
Senator Nutt	Assembly Bill No. 525
Senator Prisk	Assembly Bill No. 504
Senator Rowell	Assembly Bill No. 765
Senator Shortridge	Assembly Bill No. 905
Senator Simpson	Assembly Bill No. 742
Senator Sims	Assembly Bill No. 99
Senator Smith	Assembly Bill No. 727
Senator Stratton	Assembly Bill No. 248
Senator Trout	Assembly Bill No. 279
Senator Wolfe	Assembly Bill No. 414

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 533—An Act to prohibit trespassing upon locomotive engines, freight or passenger cars or trains, and to provide a punishment therefor.

Senate Bill No. 291—An Act to provide for the organization of mutual corporations, etc.

JONES, Chairman.

Senate Bills Nos. 533 and 291 ordered on file for third reading.

CONSIDERATION OF BILLS PREVIOUSLY MADE CASES OF URGENCY.

Assembly Bill No. 279—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 refused passage by the following vote:

AYES—Senators Bettman, Currier, Dickinson, Feeney, Hall, Hoey, Morehouse, Nutt, Simpson, Trout, and Wolfe—11.

NOES—Senators Ashe, Bulla, Chapman, Curtin, Cutter, Davis, Doty, Gillette, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Prisk, Rowell, Sims, Smith, and Stratton—20.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 447—An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by repealing Section 11½ thereof, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements or servitudes of the right to the flow and use of water, approved March 2, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 447 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Burnett, Chapman, Curtin, Cutter, Dickinson, Feeney, Flint, Hall, Hoey, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Sims, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 464—An Act to amend Section 296 of the Civil Code of the State of California, relating to the filing of articles of incorporation with the County Clerk and Secretary of State, and the issuance of certificate, and the effect of such certificate.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 464 finally passed by the following vote :

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Pace, Prisk, Smith, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 306—An Act amending the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 306 refused passage by the following vote:

AYES—Senators Bettman, Dickinson, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Stratton, Trout, and Wolfe—11.

NOES—Senators Ashe, Braunhart, Bulla, Burnett, Curtin, Cutter, Davis, Doty, Flint, Goad, Hall, Jones, La Rue, Leavitt, Nutt, Pace, and Sims—17.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 506—An Act to amend Sections 5 and 6 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 506 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Currier, Cutter, Davis, Doty, Feeney, Flint, Gillette, Hall, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—Senator Braunhart—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 305—An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any and all moneys or assets for which such sureties are or may be held responsible.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 305 finally passed by the following vote :

AYES—Senators Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Laird, Langford, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—26.
NOES—Senator Nutt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 629—An Act to add a new section to the Penal Code, said section to be designated as Section 625½, relating to oil pipelines.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 629 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Chapman, Currier, Curtin, Cutter, Dwyer, Feeney, Jones, La Rue, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 588—An Act to amend Section 412 of the Penal Code, relating to boxing and sparring matches, and prize or ring fights.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 588 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Flint, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Shortridge, Simpson, Stratton, Trout, and Wolfe—29.
NOES—Senators Boyce, Doty, Prisk, and Rowell—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following correctly reengrossed: Committee Substitute for Senate Bill No. 36—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1650, 1663, 1667, 1674, 1697, 1713, 1714, 1768, 1830, 1858, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

JONES, Chairman.

Committee Substitute for Senate Bill No. 36 ordered on file for passage.

SUSPENSION OF RULES FOR PURPOSE OF RECONSIDERATION REFUSED.

Senator Cutter moved that the rules be suspended, and that the vote whereby Assembly Bill No. 306—An Act amending the Code of Civil Procedure of the State of California, by adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration—was refused passage be reconsidered.

The roll was called, and suspension of the rules refused by the following vote:

AYES—Senators Bettman, Chapman, Curtin, Cutter, Dickinson, Dwyer, Feeney, Gillette, Hoey, Langford, Luchsinger, Morehouse, Prisk, Shortridge, Simpson, Stratton, Trout, and Wolfe—18.

NOES—Senators Braunhart, Bulla, Burnett, Davis, Doty, Flint, Jones, Laird, La Rue, Nutt, and Rowell—11.

CONSIDERATION OF BILLS PREVIOUSLY MADE CASES OF URGENCY—(RESUMED).

Assembly Bill No. 449—An Act concerning a Veteran Volunteer Fireman's Association of California, and to provide for its management and control, and to appropriate money for its support, and relating to enrollment, formation into fire companies, and service as firemen, of such veteran volunteer firemen.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 449 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Shortridge, and Wolfe—22.

NOES—Senators Bulla, Burnett, Laird, and Smith—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and thirty minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-eighth Senatorial District, in the chair.

Assembly Bill No. 677—An Act to regulate the business of commission merchants, agents, factors, or brokers, dealing in farm produce, poultry, grain, fruit, seeds, honey, or dairy produce.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 677 finally passed by the following vote:

AYES—Senators Ashe, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Doty, Gillette, Goad, Hall, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Smith, Stratton, and Trout—24.

NOES—Senators Bettman, Braunhart, Burnett, Dickinson, Dwyer, Leavitt, Simpson, Sims, and Wolfe—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM ENROLLMENT.

Senator Davis moved that Senate Bill No. 283 be recalled from enrollment, for the purpose of considering the Assembly amendments to the bill.

So ordered.

Senate Bill No. 283 having been returned from enrollment.

The question was, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 283?"

Strike out from end of Section 1 the period, and insert in lieu thereof a semicolon and the following: "provided, that no expenditures shall be made under the provisions of this Act until the plans therefor have been submitted to, and approved by, the State Board of Examiners."

Also: Strike out in Section 4, page 1, the words "from and after its passage," and insert in lieu thereof the following: "January first, nineteen hundred."

The roll was called, and the Assembly amendments concurred in by the following vote:

AYES—Senators Bettman, Braunhart, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Jones, Langford, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—None.

The Secretary was directed to inform, by message, the Assembly that the Senate had concurred in the Assembly amendments to Senate Bill No. 283.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received:

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your committee of free conference concerning Senate Bill No. 337—An Act to amend Section 591 of the Penal Code—report that we have met a like committee of the Assembly, consisting of Assemblymen Brown, White, and Kelsey, and we report that the free conference committee agreed upon and recommend that the Senate concur in Assembly Amendment No. 2 to said bill.

MOREHOUSE,
Chairman of Committee of Free Conference of the Senate.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Feeney, Gillette, Hall, Hoey, Jones, La Rue, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Trout, and Wolfe—28.

NOES—None.

The Secretary was directed to inform the Assembly of the Senate's action on Senate Bill No. 337.

Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California.

The report of free conference committee having been adopted.

The question was on the passage of the bill.

The roll was called, and Senate Bill No. 337 passed by the following vote:

AYES—Senators Ashe, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Feeney, Hall, Hoey, Jones, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered to reëngrossment and enrollment.

MOTION.

Senator Morehouse moved that Assembly Bill No. 424 be recalled from the Assembly for the purpose of correction.

Motion carried.

BILLS TO FOLLOW THE SPECIAL ORDER.

Senator Davis moved that the consideration of Assembly Bills Nos. 954, 955, 956, and 957 follow the consideration of the special order file.

Motion carried.

CONSIDERATION OF BILLS MADE A SPECIAL ORDER—(RESUMED).

On motion of Senator Rowell the consideration of bills made a special order was proceeded with.

Assembly Bill No. 423—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 423 finally passed by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Jones, La Rue, Luchsinger, Morehouse, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—26.

NOES—Senator Cutter—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 877—An Act to provide for the construction of a free wagon road from Mount Hamilton Observatory in Santa Clara County, to some point in Stanislaus County where connection can be made with the best route to the Yosemite Valley, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 877 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Burnett, Chapman, Curtin, Davis, Dickinson, Dwyer, Feeney, Gillette, Hall, Hoey, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senators Braunhart, Bulla, Goad, Jones, Laird, Rowell, and Smith—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 726—An Act to declare the Silver Lake wagon-road, commencing at Pine Grove, in Amador County, and running thence across the summit of the Sierra Nevada Mountains, via Silver Lake, to Lake Tahoe, a State highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 726 finally passed by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Prisk, Stratton, Taylor, Trout, and Wolfe—25.

NOES—Senators Bulla and Laird—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and fifty-two minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Committee Substitute for Senate Bill No. 36—An Act to amend Sections 1532, 1534, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1599, 1600, 1615, 1617, 1621, 1622, 1623, 1650, 1663, 1667, 1674, 1697, 1713, 1714, 1768, 1830, 1858, 1874, 1875, and 1882 of the Political Code of the State of California, and to add one new section to said Code, to be known as Section 1674, relating to the public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 36 refused passage by the following vote:

AYES—Senators Boyce, Braunhart, Burnett, Chapman, Currier, Davis, Doty, Dwyer, Feeney, Flint, Hall, Jones, La Rue, Morehouse, Nutt, Rowell, and Stratton—17.

NOES—Senators Bulla, Curtin, Cutter, Gillette, Laird, Leavitt, Luchsinger, Maggard, Pace, Prisk, Smith, Taylor, Trout, and Wolfe—14.

RECESS.

At eleven o'clock and fifty-eight minutes A. M., Thomas Flint, Jr., President pro tem. of the Senate, announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed the Hon. Stephen M. White, would soon arrive, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, March 18, 1899. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, and Hon. Alden Anderson, Speaker of the Assembly, presiding.

ROLL CALL OF JOINT ASSEMBLY.

The President pro tem. of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—40.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Coper, Cowan, Crowder, Crowly, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenster, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, E. D. Sullivan, Eugene Sullivan, Valentine, Wade, Wardell, White, Works, and Wright—80.

Quorum of Joint Assembly present.

JOINT ASSEMBLY JOURNAL READ AND APPROVED.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Journal of the Joint Assembly of Friday, March 17, 1899.

The same was read and approved.

ELECTION OF UNITED STATES SENATOR.

The Speaker of the Assembly announced that the proceedings of the Joint Assembly of Friday, March 17, 1899, resulted in no election of United States Senator, and declared that the election of a Senator in Congress to succeed the Hon. Stephen M. White was now in order.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senator Langford—1.

Whole number of votes cast by Senators.....	40
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, and Valentine—14.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Barea—3.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Griffin, Hanley, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—16.

For John Rosenfeld—Mr. Crowley—1.

For C. A. Barlow—Messrs. Brooke and Burnett—2.

For James D. Phelan—Messrs. Glenn and Hoey—2.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	14 votes.
M. M. Estee received	1 vote.
D. M. Burns received	19 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	16 votes.
James D. Phelan received	2 votes.
C. A. Barlow received	2 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	120
Necessary to a choice	61
W. H. L. Barnes received	21 votes.
M. M. Estee received	1 vote.
D. M. Burns received	27 votes.
U. S. Grant, Jr., received	30 votes.
Irving M. Scott received	6 votes.
John Rosenfeld received	2 votes.
Stephen M. White received	26 votes.
James D. Phelan received	4 votes.
C. A. Barlow received	2 votes.
Van R. Paterson received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeny—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senator Langford—1.

Whole number of votes cast by Senators	40
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.

U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, and Valentine—14.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Bree—3.

For Marion De Vries—Messrs. Brooke and Burnett—2.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Griffin, Hanley, Mack, Mead, Meserve, Sanford, Stewart, E. D. Sullivan, Wardell, and White—15.

For John Rosenfeld—Mr. Crowley—1.

For James D. Phelan—Messrs. Glenn, Hoey, and O'Brien—3.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	14 votes.
M. M. Estee received	1 vote.
D. M. Burns received	19 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	3 votes.
Marion De Vries received	2 votes.
Stephen M. White received	15 votes.
John Rosenfeld received	1 vote.
James D. Phelan received	3 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	120
Necessary to a choice	61
W. H. L. Barnes received	21 votes.
M. M. Estee received	1 vote.
D. M. Burns received	27 votes.
U. S. Grant, Jr., received	30 votes.
Irving M. Scott received	6 votes.
Marion De Vries received	2 votes.
John Rosenfeld received	2 votes.
Stephen M. White received	25 votes.
James D. Phelan received	5 votes.
Van R. Paterson received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senator Langford—1.

Whole number of votes cast by Senators.....	40
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, and Valentine—14.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Devoto, Dibble, Henry, Johnson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—19.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, Marvin, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Cosper, Dunlap, and La Barea—3.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Fairweather, Feliz, Griffin, Hanley, Mack, Mead, Meserve, Sanford, Stewart, E. D. Sullivan, Wardell, and White—15.

For James D. Phelan—Messrs. Burnett, Glenn, Hoey, and O'Brien—4.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	80
W. H. L. Barnes received	14 votes.
M. M. Estee received	1 vote.
D. M. Burns received	19 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	3 votes.
Marion De Vries received	1 vote.
Stephen M. White received	15 votes.
James D. Phelan received	4 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	120
Necessary to a choice	61
W. H. L. Barnes received	21 votes.
M. M. Estee received	1 vote.
D. M. Burns received	27 votes.
U. S. Grant, Jr., received	30 votes.
Irving M. Scott received	6 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	25 votes.
James D. Phelan received	6 votes.
Van R. Paterson received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

RESOLUTION.

Assemblyman Dibble introduced the following resolution, and moved its adoption:

Resolved, That the Joint Assembly take a recess until four o'clock this afternoon, and that balloting be then resumed.

During the discussion of the resolution, Senator Leavitt moved the previous question.

The question being, "Shall the main question be put?"

The question was put and carried.

The President pro tem. of the Senate directed the Secretary to call the roll of Senators on the adoption of the resolution.

The roll was called, with the following result:

AYES—Senators Bettman, Bulla, Burnett, Currier, Dickinson, Feeney, Flint, Hoey, Laird, Leavitt, Luchsinger, Morehouse, Shortridge, Simpson, Stratton, Taylor, Trout, and Wolfe—18.

NOES—Senators Ashe, Boyce, Braunhart, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Gillette, Goad, Hall, Jones, Langford, La Rue, Maggard, Nutt, Pace, Prisk, Rowell, Sims, and Smith—22.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen on the adoption of the resolution.

The roll was called, with the following result:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Boynton, Brown, Clough, Cobb, Conrey, Cosper, Crowley, Devoto, Dibble, Henry, Julson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Lardner, Lundquist, Marvin, McKeen, Melick, Miller of Los Angeles, Miller of San Francisco, Muenter, Pierce, Rickard, Eugene Sullivan, Valentine, Wade, Wright, and Mr. Speaker—38.

NOES—Messrs. Bliss, Blood, Boone, Brooke, Burnett, Caminetti, Cargill, Chynoweth, Clark, Cowan, Crowder, Dale, De Lancia, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Huber, Le Baron, Mack, McDonald of Alameda, McDonald of Tuolumne, Mead, Merritt, Meserve, Milice, O'Brien, Radcliff, Raub, Raw, Robinson, Sanford, Stewart, E. D. Sullivan, Wardell, White, and Works—40.

The President pro tem. of the Senate announced the vote as follows: ayes, 56; noes, 62. And thereupon announced the resolution lost.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senator Langford—1.

Whole number of votes cast by Senators	40
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muentner, and Valentine—14.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—21.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Dunlap and La Bree—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Feliz, Griffin, Hanley, Mack, Mead, Sanford, Stewart, E. D. Sullivan, Wardell, and White—13.

For James D. Phelan—Messrs. Burnett, Fairweather, Glenn, Hoey, and O'Brien—5.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	14 votes.
M. M. Estee received	1 vote.
D. M. Burns received	21 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
Stephen M. White received	13 votes.
James D. Phelan received	5 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	120
Necessary to a choice	61
W. H. L. Barnes received	21 votes.
M. M. Estee received	1 vote.
D. M. Burns received	29 votes.
U. S. Grant, Jr., received	30 votes.
Irving M. Scott received	5 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	23 votes.
James D. Phelan received	7 votes.
Van R. Paterson received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

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For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

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For Stephen M. White—Senators Ashe, Braunnhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

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For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancey, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Dunlap and La Barea—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Feliz, Griffin, Hanley, Mack, Mead, Sanford, Stewart, E. D. Sullivan, Wardell, and White—13.

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For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

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The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

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For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerioh, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—21.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Dunlap and La Barea—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Feliz, Griffin, Hanley, Mack, Mead, Sanford, Stewart, E. D. Sullivan, Wardell, and White—13.

For James D. Phelan—Messrs. Burnett, Fairweather, Glenn, Hoey, and O'Brien—5.

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Irving M. Scott received	2 votes.
Marion De Vries received	1 vote.
Stephen M. White received	13 votes.
James D. Phelan received	5 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	120
Necessary to a choice	61
W. H. L. Barnes received	21 votes.
M. M. Estee received	1 vote.
D. M. Burns received	29 votes.
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Irving M. Scott received	5 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	23 votes.
James D. Phelan received	7 votes.
Van R. Paterson received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Brauhart, Chapman, Curtin, Doty, Dwyer, La Rue, Prisk, and Sims—9.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senator Langford—1.

For C. L. La Rue—Senator Pace—1.

Whole number of votes cast by Senators.....	40
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	9 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	1 vote.
C. L. La Rue received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, Muenter, and Valentine—14.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—21.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Dunlap and La Barea—2.

For J. F. Smith—Mr. O'Brien—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Feliz, Griffin, Hanley, Mack, Mead, Sanford, Stewart, E. D. Sullivan, Wardell, and White—13.

For James D. Phelan—Messrs. Burnett, Fairweather, Glenn, and Hoey—4.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	80
W. H. L. Barnes received	14 votes.
M. M. Estee received	1 vote.
D. M. Burns received	21 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	2 votes.
J. F. Smith received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	13 votes.
John Rosenfeld received	1 vote.
James D. Phelan received	4 votes.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	120
Necessary to a choice.....	61
W. H. L. Barnes received.....	21 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	29 votes.
U. S. Grant, Jr., received.....	30 votes.
Irving M. Scott received.....	5 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	22 votes.
James D. Phelan received.....	6 votes.
Van R. Paterson received.....	1 vote.
C. L. La Rue received.....	1 vote.
J. F. Smith received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

RESOLUTION.

Senator Stratton offered the following resolution, and moved its adoption:

Resolved, That this Joint Assembly take a recess until seven o'clock and thirty minutes this evening, when balloting shall be resumed.

The following substitute was offered by Senator Cutter:

Resolved, That the Joint Assembly take twelve more ballots, unless a United States Senator be sooner elected; and that after the declaration of the result of said twelfth ballot, and the reading and approval of the Journal, the Joint Assembly do adjourn *sine die*.

The question being on the adoption of the substitute.

The ayes and noes were demanded by Senators Morehouse and Boyce and Assemblyman Johnson.

The President pro tem. of the Senate directed the Secretary to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Ashe, Boyce, Braunhart, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Goad, Hall, Jones, La Rue, Maggard, Nutt, Pace, Prisk, Rowell, Sims, Taylor, and Trout—21.

NOES—Senators Bettman, Bulla, Burnett, Currier, Dickinson, Feeney, Flint, Gillette, Hoey, Laird, Langford, Leavitt, Luchsinger, Morehouse, Shortridge, Simpson, Smith, Stratton, and Wolfe—19.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Belshaw, Bliss, Blood, Boone, Brooke, Brown, Caminetti, Chynoweth, Cowan, Crowder, Dale, De Lancie, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Hoey, Huber, La Barea, Mack, McDonald of Alameda, McDonald of Tuolumne, Mead, Merritt, Meserve, Milice, O'Brien, Radcliff, Raub, Raw, Robinson, Sanford, Stewart, E. D. Sullivan, Wardell, White, and Works—40.

NOES—Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Boynton, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Crowley, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Lardner, Lundquist, Marvin, McKeen, Melick, Merrill, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Rickard, Eugene Sullivan, Valentine, Wade, and Wright—38.

The President pro tem. of the Senate announced that the substitute had been adopted by the following vote: ayes, 61; noes, 57.

The President pro tem. of the Senate directed the Secretary of the

Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result :

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senator Langford—1.

Whole number of votes cast by Senators.....	40 votes.
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

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For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—21.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lance, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Dunlap and La Barea—2.

For J. F. Smith—Messrs. Fairweather and O'Brien—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Feliz, Griffin, Hanley, Mack, Mead, Sanford, Stewart, E. D. Sullivan, Wardell, and White—13.

For James D. Phelan—Messrs. Burnett, Glenn, and Hoey—3.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	80
W. H. L. Barnes received	14 votes.
M. M. Estee received	1 vote.
D. M. Burns received	21 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	2 votes.
J. F. Smith received	2 votes.
Marion De Vries received	1 vote.
Stephen M. White received	13 votes.
James D. Phelan received	3 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	120
Necessary to a choice	61
W. H. L. Barnes received	21 votes.
M. M. Estee received	1 vote.
D. M. Burns received	29 votes.
U. S. Grant, Jr., received	30 votes.

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Stephen M. White received.....	23 votes.
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John Rosenfeld received.....	2 votes.
Van R. Paterson received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

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For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Dunlap and La Barea—2.

For J. F. Smith—Mr. Fairweather—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Feliz, Griffin, Hanley, Mack, Mead, Sanford, Stewart, E. D. Sullivan, Wardell, and White—13.

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The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, Stratton, and Taylor—7.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Dwyer, La Rue, Pace, Prisk, and Sims—9.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senator Langford—1.

Whole number of votes cast by Senators	39
W. H. L. Barnes received	7 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	9 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, and Valentine—13.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—21.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancei, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Messrs. Dunlap and La Barea—2.

For Van R. Paterson—Mr. Muentner—1.

For J. F. Smith—Mr. Fairweather—1.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Boone, Caminetti, Cowan, Feliz, Griffin, Hanley, Mack Mead, Sanford, Stewart, Wardell, and White—12.

For James D. Phelan—Messrs. Burnett, Glenn, Hoey, and O'Brien—4.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	79 votes.
W. H. L. Barnes received	13 votes.
M. M. Estee received	1 vote.
D. M. Burns received	21 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	2 votes.
Van R. Paterson received	1 vote.
J. F. Smith received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	12 votes.
James D. Phelan received	4 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	118 votes.
Necessary to a choice	60 votes.
W. H. L. Barnes received	20 votes.
M. M. Estee received	1 vote.
D. M. Burns received	29 votes.
U. S. Grant, Jr., received	30 votes.
Irving M. Scott received	5 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	21 votes.
James D. Phelan received	6 votes.
Van R. Paterson received	2 votes.
J. F. Smith received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, and Stratton—6.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Chapman, Curtin, Doty, Dwyer, La Rue, Prisk, and Sims—8.

For James D. Phelan—Senators Braunhart, Goad, Hall, and Pace—4.

For Van R. Paterson—Senators Langford and Taylor—2.

Whole number of votes cast by Senators	40 votes.
W. H. L. Barnes received	6 votes.
D. M. Burns received	8 votes.
U. S. Grant received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	8 votes.
James D. Phelan received	4 votes.
Van R. Paterson received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, and Valentine—13.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—21.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Messrs. La Bree and Muentner—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Cowan, Feliz, Griffin, Hanley, Mack, Mead, Stewart, Wardell, and White—9.

For James D. Phelan—Messrs. Boone, Burnett, Glenn, Hoey, O'Brien, Sanford, and E. D. Sullivan—7.

For John Rosenfeld—Mr. Crowley—1.

For J. F. Smith—Mr. Fairweather—1.

Whole number of votes cast by Assemblymen.....	79
W. H. L. Barnes received	13 votes.
M. M. Estee received	1 vote.
D. M. Burns received	21 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	1 vote.
Van R. Paterson received	2 votes.
Marion De Vries received	1 vote.
Stephen M. White received	9 votes.
James D. Phelan received	7 votes.
John Rosenfeld received	1 vote.
J. F. Smith received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	119
Necessary to a choice	60
W. H. L. Barnes received	19 votes.
M. M. Estee received	1 vote.
D. M. Burns received	29 votes.
U. S. Grant, Jr., received	30 votes.
Irving M. Scott received	4 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	17 votes.
James D. Phelan received	11 votes.
Van R. Paterson received	4 votes.
J. F. Smith received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, and Stratton—6.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Simpson, and Wolfe—7.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Brauhart, Chapman, Curtin, Doty, La Rue, Prisk, and Sims—8.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senators Langford and Taylor—2.

Whole number of votes cast by Senators.....	87
W. H. L. Barnes received	6 votes.
D. M. Burns received	7 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

Senator Taylor moved to reconsider the vote whereby substitute for resolution offered by Senator Stratton was adopted.

On the question, the ayes and noes were demanded by Senators Cutter, Bulla, and Taylor.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

AYES—Senators Bettman, Burnett, Dickinson, Feeney, Hoey, Laird, Langford, Morehouse, Shortridge, Simpson, Smith, Stratton, Taylor, and Wolfe—14.

NOES—Senators Ashe, Boyce, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Goad, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Sims, and Trout—25.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, with the following result:

AYES—Messrs. Anderson, Arnerich, Barry, Beecher, Clough, Cobb, Cosper, Crowley, De Lancia, Devoto, Dibble, Griffin, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knowland, Lundquist, Marvin, McKeen, Merrill, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Rickard, Eugene Sullivan, and Wade—30.

NOES—Messrs. Atherton, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Conrey, Cowan, Crowder, Dale, Dunlap, Fairweather, Felix, Glenn, Greenwell, Hanley, Huber, Knights, La Barge, Le Baron, Lardner, Mack, McDonald of Alameda, McDonald of Tuolumne, Mead, Melick, Merritt, Meserve, Milice, O'Brien, Radcliff, Raub, Raw, Robinson, Sanford, E. D. Sullivan, Wardell, White, and Works—46.

The President pro tem. of the Senate announced that the Joint Assembly had refused to reconsider, by the following vote: ayes, 44; noes, 71.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, and Morehouse—5.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For Van R. Paterson—Senators Langford and Taylor—2.

For James D. Phelan—Senators Goad and Hall—2.

Whole number of votes cast by Senators.....	39 votes.
W. H. L. Barnes received.....	5 votes.
D. M. Burns received.....	8 votes.
U. S. Grant, Jr., received.....	8 votes.
Irving M. Scott received.....	3 votes.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	10 votes.
Van R. Paterson received.....	2 votes.
James D. Phelan received.....	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, and Valentine—13.
 For *M. M. Estee*—Mr. Wade—1.
 For *D. M. Burns*—Messrs. Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kennally, Lundquist, Marvin, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—20.
 For *U. S. Grant, Jr.*—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.
 For *Irving M. Scott*—Mr. Dunlap—1.
 For *Van R. Paterson*—Messrs. La Barea and Muentner—2.
 For *J. F. Smith*—Mr. Fairweather—1.
 For *Marion De Vries*—Mr. Brooke—1.
 For *James D. Phelan*—Messrs. Boone, Burnett, Glenn, Hoey, O'Brien, and Sanford—6.
 For *Stephen M. White*—Messrs. Caminetti, Cowan, Feliz, Griffin, Hanley, Mack, Mead, Stewart, E. D. Sullivan, Wardell, and White—11.
 For *John Rosenfeld*—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	79
W. H. L. Barnes received	13 votes.
M. M. Estee received	1 vote.
D. M. Burns received	20 votes.
U. S. Grant, Jr., received	22 votes.
Irving M. Scott received	1 vote.
Van R. Paterson received	2 votes.
J. F. Smith received	1 vote.
Marion De Vries received	1 vote.
Stephen M. White received	11 votes.
James D. Phelan received	6 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	118
Necessary to a choice	60
W. H. L. Barnes received	18 votes.
M. M. Estee received	1 vote.
D. M. Burns received	28 votes.
U. S. Grant, Jr., received	30 votes.
Irving M. Scott received	4 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	21 votes.
James D. Phelan received	8 votes.
Van R. Paterson received	4 votes.
J. F. Smith received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For *W. H. L. Barnes*—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, and Stratton—6.
 For *D. M. Burns*—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.
 For *U. S. Grant, Jr.*—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.
 For *Irving M. Scott*—Senators Davis, Flint, and Rowell—3.
 For *John Rosenfeld*—Senator Feeney—1.
 For *Stephen M. White*—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Prisk, and Sims—9.
 For *James D. Phelan*—Senators Goad and Hall—2.
 For *Van R. Paterson*—Senators Langford and Taylor—2.

Whole number of votes cast by Senators.....	39
W. H. L. Barnes received.....	6 votes.
D. M. Burns received.....	8 votes.
U. S. Grant, Jr., received.....	8 votes.
Irving M. Scott received.....	3 votes.
John Rosenfeld received.....	1 vote.
Stephen M. White received.....	9 votes.
James D. Phelan received.....	2 votes.
Van R. Paterson received.....	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result :

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, and Valentine—13.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—21.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merriitt, Milice, Radcliff, Raub, Raw, Robinson, and Works—21.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Messrs. La Barea and Muentner—2.

For Marion De Vries—Mr. Brooke—1.

For Stephen M. White—Messrs. Cowan, Feliz, Griffin, Hanley, Mack, Stewart, E. D. Sullivan, Wardell, and White—9.

For James D. Phelan—Messrs. Boone, Burnett, Fairweather, Glenn, Hoey, O'Brien, and Sanford—7.

For J. McMurray—Mr. Caminetti—1.

For John Rosenfeld—Mr. Crowley—1.

For A. D. Butler—Mr. Mead—1.

Whole number of votes cast by Assemblymen.....	79
W. H. L. Barnes received.....	13 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	21 votes.
U. S. Grant, Jr., received.....	21 votes.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	2 votes.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	9 votes.
James D. Phelan received.....	7 votes.
J. McMurray received.....	1 vote.
John Rosenfeld received.....	1 vote.
A. D. Butler received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows :

Whole number of votes cast.....	118
Necessary to a choice.....	60
W. H. L. Barnes received.....	19 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	29 votes.
U. S. Grant, Jr., received.....	29 votes.
Irving M. Scott received.....	4 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	18 votes.
James D. Phelan received.....	9 votes.
Van R. Paterson received.....	4 votes.
J. McMurray received.....	1 vote.
A. D. Butler received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being

called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, and Stratton—6.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunbart, Chapman, Curtin, Doty, Dwyer, La Rue, Prisk, and Sims—9.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senators Langford and Taylor—2.

Whole number of votes cast by Senators	39
W. H. L. Barnes received	6 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	9 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Miller of Los Angeles, and Valentine—13

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kennecally, Lundquist, Marvin, McKeen, Miller of San Francisco, Pierce, Rickard, and Eugene Sullivan—20.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Melice, Radcliff, Raub, Raw, Robinson, and Works—21.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Messrs. La Barea and Muentner—2.

For J. F. Smith—Mr. Fairweather—1.

For Marion De Vries—Mr. Brooke—1.

For James D. Phelan—Messrs. Boone, Burnett, Glenn, Hoey, O'Brien, and Sanford—6.

For Stephen M. White—Messrs. Caminetti, Cowan, Feliz, Griffin, Hanley, Mack, Mead, Stewart, E. D. Sullivan, Wardell, and White—11.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	78
W. H. L. Barnes received	13 votes.
M. M. Estee received	1 vote.
D. M. Burns received	20 votes.
U. S. Grant, Jr., received	21 votes.
Irving M. Scott received	1 vote.
Van R. Paterson received	2 votes.
J. F. Smith received	1 vote.
Marion De Vries received	1 vote.
James D. Phelan received	6 votes.
Stephen M. White received	11 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	117
Necessary to a choice	59
W. H. L. Barnes received	19 votes.
M. M. Estee received	1 vote.
D. M. Burns received	28 votes.
U. S. Grant, Jr., received	29 votes.

Irving M. Scott received	4 votes.
Marion De Vries received	1 vote.
John Rosenfeld received	2 votes.
Stephen M. White received	20 votes.
James D. Phelan received	8 votes.
Van R. Paterson received	4 votes.
J. F. Smith received	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, and Stratton—6.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senators Langford and Taylor—2.

Whole number of votes cast by Senators	40
W. H. L. Barnes received	6 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	10 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, and Valentine—12.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of Los Angeles, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—22.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—21.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Messrs. La Bree and Muentner—2.

For J. F. Parks—Messrs. Boone, Burnett, Caminetti, Fairweather, Griffin, Mead, Sanford, and Wardell—8.

For James D. Phelan—Mr. Glenn—1.

For Stephen M. White—Messrs. Cowan, Feliz, Hanley, Mack, O'Brien, Stewart, E. D. Sullivan, and White—8.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen	77
W. H. L. Barnes received	12 votes.
M. M. Estee received	1 vote.
D. M. Burns received	22 votes.
U. S. Grant, Jr., received	21 votes.
Irving M. Scott received	1 vote.
Van R. Paterson received	2 votes.

J. F. Parks received	8 votes.
James D. Phelan received	1 vote.
Stephen M. White received	8 votes.
John Rosenfeld received	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast	117
Necessary to a choice	59
W. H. L. Barnes received	18 votes.
M. M. Estee received	1 vote
D. M. Burns received	30 votes.
U. S. Grant, Jr., received	29 votes.
Irving M. Scott received	4 votes.
John Rosenfeld received	2 votes.
Stephen M. White received	18 votes.
Van R. Paterson received	4 votes.
James D. Phelan received	3 votes.
J. F. Parks received	8 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, and Stratton—6.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Prisk, and Sims—9.

For James D. Phelan—Senators Goad and Hall—2.

For Van R. Paterson—Senators Langford and Taylor—2.

For R. Porter Ashe—Senator Pace—1.

Whole number of votes cast by Senators	40
W. H. L. Barnes received	6 votes.
D. M. Burns received	8 votes.
U. S. Grant, Jr., received	8 votes.
Irving M. Scott received	3 votes.
John Rosenfeld received	1 vote.
Stephen M. White received	9 votes.
James D. Phelan received	2 votes.
Van R. Paterson received	2 votes.
R. Porter Ashe received	1 vote.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, and Valentine—12.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cospier, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of Los Angeles, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—22.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Messrs. La Bree and Muentner—2.

For Marion De Vries—Mr. Brooke—1.

For James D. Phelan—Messrs. Boone, Burnett, Glenn, and Hoey—4.

For C. B. Gottschalk—Mr. Caminetti—1.

For Stephen M. White—Messrs. Cowan, Feliz, Hanley, Mack, Mead, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—11.

For John Rosenfeld—Mr. Crowley—1.

For H. Kittridge—Mr. Fairweather—1.

For J. R. Cottrell—Mr. Griffin—1.

Whole number of votes cast by Assemblymen.....	80
W. H. L. Barnes received.....	12 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	22 votes.
U. S. Grant, Jr., received.....	22 votes.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	2 votes.
Marion De Vries received.....	1 vote.
Stephen M. White received.....	11 votes.
James D. Phelan received.....	4 votes.
C. B. Gottschalk received.....	1 vote.
John Rosenfeld received.....	1 vote.
H. Kittridge received.....	1 vote.
J. R. Cottrell received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	120
Necessary to a choice.....	61
W. H. L. Barnes received.....	18 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	30 votes.
U. S. Grant, Jr., received.....	30 votes.
Irving M. Scott received.....	4 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	20 votes.
James D. Phelan received.....	6 votes.
Van R. Paterson received.....	4 votes.
R. Porter Ashe received.....	1 vote.
C. B. Gottschalk received.....	1 vote.
H. Kittridge received.....	1 vote.
J. R. Cottrell received.....	1 vote.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Senators Bulla, Dickinson, Gillette, Luchsinger, Morehouse, and Stratton—6.

For D. M. Burns—Senators Bettman, Burnett, Hoey, Laird, Leavitt, Shortridge, Simpson, and Wolfe—8.

For U. S. Grant, Jr.—Senators Boyce, Currier, Cutter, Jones, Maggard, Nutt, Smith, and Trout—8.

For Irving M. Scott—Senators Davis, Flint, and Rowell—3.

For John Rosenfeld—Senator Feeney—1.

For Stephen M. White—Senators Ashe, Braunhart, Chapman, Curtin, Doty, Dwyer, La Rue, Pace, Prisk, and Sims—10.

For Van R. Paterson—Senators Langford and Taylor—2.

For James D. Phelan—Senators Goad and Hall—2.

Whole number of votes cast by Senators.....	40
W. H. L. Barnes received.....	6 votes.
D. M. Burns received.....	8 votes.
U. S. Grant, Jr., received.....	8 votes.
Irving M. Scott received.....	3 votes.

John Rosenfeld received.....	1 vote.
Stephen M. White received.....	10 votes.
Van R. Paterson received.....	2 votes.
James D. Phelan received.....	2 votes.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen, each of whom, upon his name being called, would announce his choice for Senator in Congress to succeed the Hon. Stephen M. White.

The roll was called, with the following result:

For W. H. L. Barnes—Messrs. Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, and Valentine—12.

For M. M. Estee—Mr. Wade—1.

For D. M. Burns—Messrs. Arnerich, Barry, Beecher, Cobb, Cosper, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Lundquist, Marvin, McKeen, Miller of Los Angeles, Miller of San Francisco, Pierce, Rickard, Eugene Sullivan, and Wright—22.

For U. S. Grant, Jr.—Messrs. Bliss, Blood, Cargill, Chynoweth, Clark, Crowder, Dale, De Lancia, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Meserve, Milice, Radcliff, Raub, Raw, Robinson, and Works—22.

For Irving M. Scott—Mr. Dunlap—1.

For Van R. Paterson—Messrs. La Barea and Muentner—2.

For Marion De Vries—Mr. Brooke—1.

For James D. Phelan—Messrs. Boone, Burnett, Glenn, and Hoey—4.

For Stephen M. White—Messrs. Caminetti, Cowan, Fairweather, Feliz, Griffin, Hanley, Mack, Mead, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—14.

For John Rosenfeld—Mr. Crowley—1.

Whole number of votes cast by Assemblymen.....	80
W. H. L. Barnes received.....	12 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	22 votes.
U. S. Grant, Jr., received.....	22 votes.
Irving M. Scott received.....	1 vote.
Van R. Paterson received.....	2 votes.
Marion De Vries received.....	1 vote.
James D. Phelan received.....	4 votes.
Stephen M. White received.....	14 votes.
John Rosenfeld received.....	1 vote.

The Speaker of the Assembly, upon the conclusion of the roll call, announced the vote as follows:

Whole number of votes cast.....	120
Necessary to a choice.....	61
W. H. L. Barnes received.....	18 votes.
M. M. Estee received.....	1 vote.
D. M. Burns received.....	30 votes.
U. S. Grant, Jr., received.....	30 votes.
Irving M. Scott received.....	4 votes.
Marion De Vries received.....	1 vote.
John Rosenfeld received.....	2 votes.
Stephen M. White received.....	24 votes.
James D. Phelan received.....	6 votes.
Van R. Paterson received.....	4 votes.

And thereupon declared that the Joint Assembly had failed to elect a Senator in Congress.

MOTION TO RECONSIDER.

Senator Taylor moved to reconsider the vote whereby the substitute resolution offered by Senator Cutter was this day adopted.

POINT OF ORDER.

Assemblyman Dibble arose and made the following point of order: That the Senate and Assembly are in Joint Assembly, under the provisions of the Constitution of the United States, which requires the two

houses to meet in Joint Assembly on every legislative day during the session of the Legislature, and the California Legislature not having adjourned *sine die*, it is not possible for this Joint Assembly to adjourn *sine die*, and therefore the consideration of the resolution is out of order.

POINT OF ORDER WELL TAKEN.

Whereupon the President pro tem. of the Senate, then presiding, declared the point of order, so far as it referred to adjournment *sine die*, well taken.

The question being on the reconsideration of the vote whereby substitute resolution was adopted.

The President pro tem. of the Senate directed the Secretary to call the roll of Senators on the question.

The roll was called, with the following result:

AYES—Senators Bettman, Bulla, Burnett, Dickinson, Feeney, Laird, Leavitt, Luchsinger, Morehouse, Shortridge, Simpson, Stratton, Taylor, and Wolfe—14.

NOES—Senators Ashe, Boyce, Braunhart, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Gillette, Hall, Hoey, Jones, Langford, La Rue, Maggard, Nutt, Pace, Prisk, Rowell, Sims, Smith, and Trout—23.

The Speaker of the Assembly directed the Chief Clerk to call the roll of Assemblymen on the question.

The roll was called, with the following result:

AYES—Messrs. Anderson, Arnerich, Atherton, Barry, Beecher, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Crowly, Dale, Devoto, Dibble, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barce, Lardner, Lundquist, Marvin, McKeen, Melick, Merrill, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Rickard, Eugene Sullivan, Valentine, Wade, and Wright—39.

NOES—Messrs. Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Chynoweth, Cowan, Crowder, De Lancie, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Hoey, Huber, Le Baron, Mack, McDonald of Alameda, McDonald of Tuolumne, Mead, Merritt, Meserve, Milice, O'Brien, Radcliff, Raub, Raw, Robinson, Sanford, E. D. Sullivan, Wardell, White, and Works—40.

Whereupon the President pro tem. of the Senate declared the motion to reconsider lost by the following vote: ayes, 53; noes, 63.

APPROVAL OF MINUTES.

This day's minutes of the Joint Assembly were read and approved.

ADJOURNMENT.

The twelfth ballot, as provided for in the resolution this day, having been taken and announced, the President pro tem. of the Senate declared the Joint Assembly adjourned.

IN SENATE.

RECONVENED.

At six o'clock and ten minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—38.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Stratton:

Resolved, That Assembly Bill No. 1015 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Hoey, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—36.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1015—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1015 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Goad, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At six o'clock and twenty minutes P. M., Senator Smith moved that the Senate take a recess until eight o'clock P. M. of this day.

Senator Bulla moved to amend by making it seven o'clock and thirty minutes P. M., in place of eight o'clock P. M.

Amendment lost.

The question recurring on the original motion.

The same was put and carried, and the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock and twenty-five minutes P. M., the Senate reconvened. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

Quorum present.

SUSPENSION OF THE RULES.

Senator Curtin moved that the rules be suspended for the purpose of introducing an urgency resolution.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Hall, Hoey, Jones, Langford, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—27.

NOES—Senator Leavitt—1.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Curtin:

Resolved, That Senate Bill No. 751 presents a case of urgency, as that term is used in Section 15, Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Goad, Hall, Hoey, Jones, Langford, La Rue, Luchsinger, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—28.

NOES—Senator Leavitt—1.

CASE OF URGENCY.

Senate Bill No. 751—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read second time, and considered engrossed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 751 passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Doty, Feeney, Hoey, Jones, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Sims, Stratton, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Currier:

Resolved, That Assembly Bill No. 92 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Doty, Dwyer, Feeney, Flint, Gillette, Goad, Hall, Hoey, Jones, Langford, La Rue, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—32.

NOES—Senator Leavitt—1.

CASE OF URGENCY.

Assembly Bill No. 92—An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and making an appropriation for the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 92 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 524—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

Senate Bill No. 47—An Act to appropriate money for the improvement of the harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay.

Senate Bill No. 249—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending Section 3 thereof, relating to the enumeration of the inhabitants of a city or town.

Senate Bill No. 218—An Act to amend an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, and compelling all banks to publish sworn statements of unclaimed deposits.

Senate Constitutional Amendment No. 9—Proposed amendment to Article VI of the Constitution, relative to compensation of Supreme and Superior Court Judges.

Senate Bill No. 73—An Act providing for the ascertainment of the indebtedness of the State to the several district agricultural associations in this State, contracted in the improvement of the real estate of such associations.

Substitute for Senate Bill No. 728—An Act making an appropriation to pay the claim of The County Paper, for advertising the constitutional amendments.

Substitute for Senate Bill No. 727—An Act to appropriate the sum of \$250 to pay the claim of Daily Hanford Journal for money due and owing the said Daily Hanford Journal from the State of California.

Substitute for Senate Bill No. 726—An Act to appropriate the sum of \$150 to pay the claim of The Weekly New Era, for money due and owing the said The Weekly New Era from the State of California.

Substitute for Senate Bill No. 654—An Act to appropriate the sum of \$150 to pay the claim of the Downey Champion, for money due and owing the said Downey Champion from the State of California.

Senate Bill No. 360—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California,'" approved March 26, 1895," amended March 27, 1897.

Substitute for Senate Bills Nos. 142, 159, 204, and 453—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location.

Substitute for Senate Bill No. 562—An Act to appropriate the sum of \$600 to pay the claim of the Nevada Daily Transcript for money due and owing the said Nevada Daily Transcript from the State of California.

Senate Bill No. 450—An Act to amend Section 9 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Substitute for Senate Bills Nos. 58 and 194—An Act to amend Sections 188, 189, and 190 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of official reporters of the Superior Court; and in Section 188 and 189, relating also to the fees of Justices of the Peace and Constables, and in Section 188 also to the appointment and compensation of Deputy License Collectors.

Senate Bill No. 733—An Act making an appropriation for pay of officers and clerks Senate, thirty-third session.

Senate Bill No. 202—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors.

Senate Bill No. 522—An Act to provide for the payment for the advertising of the constitutional amendments and to make an appropriation therefor.

Senate Bill No. 119—An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum.

Senate Bill No. 438—An Act to amend Section 1585 of the Code of Civil Procedure of the State of California, relating to the administration and disposition of the assets of a deceased copartner.

Senate Bill No. 283—An Act to appropriate money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Substitute for Senate Bill No. 650—An Act to appropriate the sum of \$750 to pay the claim of San Diego Vidette Company for money due and owing the said San Diego Vidette Company from the State of California.

Substitute for Senate Bill No. 641—An Act to appropriate the sum of \$1,200 to pay the claim of Oakland Enquirer Publishing Company, for money due and owing the said Oakland Enquirer Publishing Company from the State of California.

Substitute for Senate Bill No. 644—An Act to appropriate the sum of \$175 to pay the claim of Mountain Democrat, Placerville, G. & J. Carpenter, for money due and owing the said Mountain Democrat, Placerville, G. & J. Carpenter, from the State of California.

Substitute for Senate Bill No. 643—An Act to appropriate the sum of \$175 to pay the claim of The Placer Herald for money due and owing the said The Placer Herald from the State of California.

Substitute for Senate Bill No. 645—An Act to appropriate the sum of \$200 to pay the claim of Jewish Times-Observer for money due and owing the said Jewish Times-Observer from the State of California.

Senate Bill No. 320—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Substitute for Senate Bill No. 684—An Act to appropriate the sum of \$150 to pay the claim of Reporter Publishing Company, Vacaville, for money due and owing the said Reporter Publishing Company from the State of California.

Substitute for Senate Bill No. 685—An Act to appropriate the sum of \$250 to pay the claim of George Roe, Vallejo Daily Times, for money due and owing the said George Roe, Vallejo Daily Times, from the State of California.

Substitute for Senate Bill No. 692—An Act to appropriate the sum of \$200 to pay the claim of Redwood City Democrat, for money due and owing the said Redwood City Democrat from the State of California.

Substitute for Senate Bill No. 694—An Act to appropriate the sum of \$150 to pay the claim of The River News, for money due and owing the said The River News from the State of California.

Substitute for Senate Bill No. 638—An Act to appropriate the sum of \$175 to pay the claim of the Healdsburg Tribune for money due and owing the said Healdsburg Tribune from the State of California.

Substitute for Senate Bill No. 640—An Act to appropriate the sum of \$175 to pay the claim of Cloverdale Reveille, for money due and owing the said Cloverdale Reveille from the State of California.

Senate Constitutional Amendment No. 4—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be known and designated as Section 2½, Article II, thereof, concerning primary elections.

Senate Constitutional Amendment No. 22—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Senate Bill No. 620—An Act making an appropriation to pay the claim of John W. Mitchell for legal services.

Substitute for Senate Bill No. 651—An Act to appropriate the sum of \$400 to pay the claim of the Encinal Publishing Company for money due and owing the said Encinal Publishing Company from the State of California.

Substitute for Senate Bill No. 653—An Act to appropriate the sum of \$200 to pay the claim of the Santa Clara News for money due and owing the said Santa Clara News from the State of California.

Senate Bill No. 530—An Act to add a new section to the Penal Code of the State of California, to be known as Section 259, relating to libel.

Substitute for Senate Bill No. 698—An Act to appropriate the sum of \$300 to pay the claim of the Daily Independent for money due and owing the said Daily Independent from the State of California.

Substitute for Senate Bill No. 682—An Act to appropriate the sum of \$400 to pay the claim of Daily Riverside Enterprise for money due and owing the said Daily Riverside Enterprise from the State of California.

Substitute for Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Substitute for Senate Bill No. 591—An Act to appropriate the sum of \$200 to pay the claim of Marin County Tocsin for money due and owing the said Marin County Tocsin from the State of California.

Substitute for Senate Bill No. 707—An Act to appropriate the sum of \$600 to pay the claim of the Franco-Californien for money due and owing the said Franco-Californien from the State of California.

Substitute for Senate Bill No. 718—An Act to appropriate the sum of \$250 to pay the claim of Sun Publishing Company, Colusa, for money due and owing the said Sun Publishing Company, Colusa, from the State of California.

Substitute for Senate Bill No. 719—An Act to appropriate the sum of \$250 to pay the claim of Santa Ana Standard for money due and owing the said Santa Ana Standard from the State of California.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 18th day of March, 1899, at five o'clock and forty minutes p. m.

JONES, Chairman.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received:

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your committee of free conference concerning Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897—report that we have met a like committee of the Assembly, consisting of Assemblymen Dibble, Rickard, and Cowan, and we report that the free conference committee agreed upon and recommend that the Senate concur in the Assembly amendment.

CUTTER,
CURRIER,
LANGFORD,

Committee of Free Conference of the Senate.

The question being on the adoption of the report.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Burnett, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Hall, Hoey, Laird, Langford, Morehouse, Pace, and Trout—14.

NOES—Senators Ashe, Boyce, Braunnhart, Bulla, Chapman, Dwyer, Gillette, Goad, Jones, La Rue, Leavitt, Luchsinger, Nutt, Prisk, Shortridge, Sims, Smith, Stratton, Taylor, and Wolfe—20.

The Secretary was directed to inform the Assembly of the Senate's action on Senate Bill No. 43.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received:

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your committee of free conference concerning Assembly Bill No. 365—An Act to amend Section 628 of Penal Code—report that we have met a like committee of the Assembly, consisting of Assemblymen Boynton, Beecher, and Eugene Sullivan, and we report that the free conference committee agreed upon and recommend that the Senate recede from its amendments.

DICKINSON,
LUCSINGER,

Committee of Free Conference of the Senate.

Report read.

The question being on the adoption of the report.

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Bettman, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Hall, Laird, Leavitt, Luchsinger, Morehouse, Prisk, Rowell, Shortridge, Smith, and Wolfe—18

NOES—Senators Ashe, Boyce, Braunhart, Cutter, Dwyer, Feeney, Gillette, Hoey, Jones, La Rue, Nutt, Stratton, Taylor, and Trout—14.

The Secretary was directed to inform the Assembly, by message, of the above action on Assembly Bill No. 365.

MOTION.

Senator Dickinson moved to take up messages from the Assembly.
So ordered.

MESSAGE FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 25—Relative to adjournment on Sunday, March 19, 1899, at eleven o'clock A. M.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

SUSPENSION OF RULES.

On motion of Senator Dickinson, the rules were suspended for the purpose of considering Assembly Concurrent Resolution No. 25.

ASSEMBLY CONCURRENT RESOLUTION No. 25.

Relative to adjournment.

Resolved by the Assembly, the Senate concurring, That the time for adjournment *sine die* of this Legislature be extended until Sunday, March 19, 1899, at eleven o'clock A. M.

During the reading of the resolution, Senator Wolfe offered the following substitute:

SENATE SUBSTITUTE FOR ASSEMBLY CONCURRENT RESOLUTION No. 25.

Resolved by the Senate, the Assembly concurring, That the thirty-third session of the Legislature of California do adjourn *sine die* on Wednesday, March 22, 1899, at twelve o'clock M.

Resolved further, That all former resolutions heretofore adopted by the Senate and Assembly, relative to adjournment *sine die*, be and the same are hereby rescinded.

Senator Wolfe asked for, and was granted, unanimous consent to withdraw the substitute.

Substitute withdrawn.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 25 adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Flint, Gillette, Goad, Hall, Laird, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—33.

NOES—None.

Assembly Concurrent Resolution No. 25 ordered immediately transmitted to the Assembly.

At ten o'clock and thirty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day ordered that Assembly Bill No. 424—An Act to provide for the construction of a building for library purposes, and additional classrooms at the State Normal School in San José, and to provide for furnishing equipment and heating and ventilation apparatus therefor, and making appropriation for the same—be returned to the Senate for correction.

Also: Passed Assembly Bill No. 793—An Act to amend "An Act to establish a Penal Code," by amending Section 600 of said Penal Code, relating to and defining the offense of burning buildings, and other property not subject to arson, and specifying the penalty therefor.

Also: Passed Senate Bill No. 737—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Senate Bill No. 739—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 180 thereof.

Also: Passed Senate Bill No. 740—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Senate Bill No. 741—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Senate Bill No. 742—An Act amending Section 193 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Senate Bill No. 744—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 179 of said Act, relating to counties of the twenty-second class.

Also: Passed Senate Bill No. 745—An Act to amend Section 194 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Senate Bill No. 746—An Act to amend Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Senate Bill No. 747—An Act to amend Section 181 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed Senate Bill No. 750—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 185, 208, and 209 thereof.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 793 read first time, and ordered on special file of Assembly bills for second reading, without reference to committee.

Senate Bills Nos. 737, 739, 740, 741, 742, 744, 745, 746, 747, and 750 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to the following Assembly bills, viz:

Assembly Bill No. 604—An Act making an appropriation to pay the expenses incurred for the funeral of the late State Treasurer, Levi Rackliffe.

Assembly Bill No. 574—An Act to pay the claim of Talbot H. Wallis against the State of California.

Assembly Bill No. 581—An Act to provide for the payment of costs of suit in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Assembly Bill No. 54—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Assembly Bill No. 309—An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern

metallic bookcases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor.

Also: Adopted the report of the second free conference committee on Senate Bill No. 337—An Act to amend Section 591 of the Penal Code of the State of California—wherein they recommend that the Senate concur in Assembly Amendment No. 2 to said bill.

Also: Received the report of the conference committee on Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish—wherein the committee recited a disagreement, and requests that your honorable body appoint a committee of free conference to meet a like committee on behalf of the Assembly, viz., Assemblymen Boynton, Beecher, and Eugene Sullivan.

Also: Received the report of the conference committee on Senate Bill No. 43—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897—wherein the committee recited a disagreement, and requests that your honorable body appoint a committee of free conference to meet a like committee on behalf of the Assembly, viz., Assemblymen Dibble, Rickard, and Cowan.

Also: Adopted the report of the free conference committee on Assembly Bill No. 637, and in pursuance of said report the Assembly concurred in the Senate amendments thereto.

Also: Adopted and concurred in Senate amendments to Assembly Bill No. 1014—An Act to amend an Act approved March 19, 1889, entitled "An Act authorizing the incurring indebtedness, by cities, towns, and municipal corporations, incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the Act approved March 9, 1885, entitled an Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks; and also to repeal an Act approved March 15, 1887, entitled an Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State," by adding two new sections thereto, numbered 5½ and 7½, respectively, said new sections relating to the character, denomination, rate of interest, manner of issuance and sale of, and method of levy and collection of tax on municipality for payment of bonds issued in accordance with said Act.

Also: Concurred in Senate amendments to Assembly Bill No. 461—An Act to amend Section 296 of the Civil Code of the State of California, relating to the filing of articles of incorporation with the County Clerk and Secretary of State, and the issuance of certificate, and the effect of such certificate.

Also: Concurred in Senate amendments to Assembly Bill No. 506—An Act to amend Sections 5 and 6 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of State hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Also: Concurred in Senate amendments to Assembly Bill No. 728—An Act appropriating money to pay the expenses of assisting in the maintenance of an exposition to be held in the City and County of San Francisco in 1901, to be known as the Pacific Ocean and International Exposition, and to provide commissioners therefor.

Also: Passed Senate Bill No. 751—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Passed Senate Bill No. 735—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 191, 197, 198, and 207 thereof.

Also: Concurred in Senate amendments to Assembly Bill No. 733—An Act making an appropriation to pay the claim of J. E. Edson.

Also: Passed Senate Bill No. 700—An Act to appropriate \$1,125 to pay the unpaid salary of the late Dennis Spencer as Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco from July 15, 1895, until and including November 30, 1895.

Also: Adopted the report of the committee of free conference on Assembly Bill No. 365—An Act to amend Section 628 of the Penal Code, relating to fish.

Also: Passed Senate Bill No. 349—An Act to amend Sections 1912, 1913, 1914, 1917, 1920, 1922, 1934, 1936, 1939, 1940, 1941, 1943, 1951, 1952, 1954, 1955, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1990, 1991, 1992, 1993, 2003, 2004, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2094; to repeal Sections 1902, 1918, 1923, 1927, 1929, 1937, 1938, 1969, 2003, as approved April 1, 1897; 2054, 2055, 2056, 2057, 2058, 2064, 2065, 2066, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2099, 2105, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, and to add new sections to be known and numbered as Sections 1959a, 1977, 1978, 1987, 1989, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2038a, 3033, 3034, and 1967a, all of and to the Political Code of the State of California, relating to the National Guard.

Also: Passed Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Passed Senate Bill No. 434—An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 751, 735, 700, 349, 207, and 434 ordered to enrollment.

SENATE CONSTITUTIONAL AMENDMENT RECALLED FROM THE GOVERNOR.

Senator Dickinson moved that Senate Constitutional Amendment No. 15 be recalled from the Governor, and ordered transmitted to the Assembly for purpose of correction.

So ordered.

ASSEMBLY AMENDMENTS TO SENATE CONSTITUTIONAL AMENDMENT No. 21 CONSIDERED.

Senator Smith moved that Assembly amendments to Senate Constitutional Amendment No. 21 be considered.

Motion carried.

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 21?"

Strike out all from the word "by" in line 9, page 2, of the printed resolution, to the word "population" in line 11, page 2, of the printed resolution, both inclusive, and insert in lieu thereof the word "provide."

The roll was called, and the Senate refused to concur in the above Assembly amendments to Senate Constitutional Amendment No. 21 by the following vote:

AYES—Senator Shortridge—1.

NOES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Prisk, Rowell, Sims, Smith, and Trout—25.

Whereupon, the President pro tem. appointed Senators Smith, Bulla, and Sims as a committee of conference on Senate Constitutional Amendment No. 21, to meet a like committee to be appointed by the Assembly.

The Secretary was directed to inform the Assembly, by message, of the foregoing proceedings.

At ten o'clock and fifty minutes P. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

CONSIDERATION OF APPROPRIATION AND DEFICIENCY BILLS.

On motion of Senator Dickinson, the following appropriation and deficiency bills were taken up and considered:

Assembly Bill No. 606—An Act making an appropriation to pay the deficiency in the appropriation for "repairs to the Capitol building and furniture, etc."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 606 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Rowell, Sims, Smith, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILLS RECALLED FROM ASSEMBLY.

On motion of Senator Sims, the following bills were ordered recalled from the Assembly: Assembly Bills Nos. 946, 754, 692, 226, 658, 423, 570, and 883.

CONSIDERATION OF APPROPRIATION AND DEFICIENCY BILLS—(RESUMED).

Assembly Bill No. 664—An Act making an appropriation to pay the deficiency for stationery, fuel, light, and supplies for the Legislature and State officers for the forty-eighth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 664 finally passed by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Goad, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 665—An Act making an appropriation to pay the deficiency for stationery, fuel, light, and supplies for the Legislature and State officers for the forty-ninth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 665 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Gillette, Goad, Hall, Jones, La Rue, Leavitt, Morehouse, Nutt, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 695—An Act making an appropriation to pay deficiency in the appropriation for repairs of the Capitol building and furniture for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 695 finally passed by the following vote:

AYES—Senators Ashe, Braunhart, Burnett, Chapman, Currier, Curtin, Davis, Doty, Feeney, Gillette, Hall, Hoey, Jones, La Rue, Maggard, Morehouse, Nutt, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 696—An Act making an appropriation to pay the deficiency in the appropriation for the purchase of furniture and carpets in the Capitol building for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 696 finally passed by the following vote:

AYES—Senators Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Feeney, Gillette, Goad, Jones, La Rue, Maggard, Morehouse, Nutt, Rowell, Sims, Smith, Taylor, Trout, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 697—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 697 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Gillette, Goad, Hall, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Shortridge, Sims, Smith, Taylor, and Trout—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 128—An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses incident and relating thereunto, and provide for managing the same; for the transfer of prisoners thereto and government of the inmates thereof.

Denied second reading.

Assembly Bill No. 139—An Act to authorize the transfer of \$40,000 from the General Fund to the State School Book Fund, and providing for its expenditure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 139 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Gillette, Goad, Hoey, Jones, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Smith, Taylor, and Trout—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Dickinson:

Resolved, That Assembly Bills Nos. 764, 754, 92, 78, 248, 423, 1013, 1012, 1011, 605, 424, 625, 692, 946, 754, and 424 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that a

bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Bettman, Braunhart, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Goad, Hall, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 605—An Act making an appropriation to pay the deficiency in the appropriation for transportation of insane for the forty-ninth fiscal year.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 605 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Goad, Hall, Jones, Laird, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 368—An Act to appropriate money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 368 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Goad, Jones, La Rue, Leavitt, Maggard, Morehouse, Nutt, Pace, Rowell, Smith, Stratton, and Taylor—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 666—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 666 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Davis, Dickinson, Doty, Dwyer, Gillette, Goad, Hall, Jones, La Rue, Leavitt, Morehouse, Nutt, Pace, Rowell, Sims, Smith, Taylor, and Trout—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 667—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 667 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Gillette, Goad, Jones, La Rue, Leavitt, Nutt, Pace, Rowell, Sims, Smith, Taylor, and Trout—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 625—An Act making an appropriation for \$5,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk and suitable fenceings along California and Park streets in the City of Stockton, around the lands occupied by the State Hospital.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 625 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Curtin, Dickinson, Doty, Dwyer, Gillette, Goad, Hall, Jones, La Rue, Leavitt, Luchsinger, Nutt, Pace, Rowell, Sims, Smith, Stratton, and Trout—22.

NOES—Senator Taylor—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 754—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fiftieth fiscal year.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 754 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Dickinson, Doty, Dwyer, Feeney, Gillette, Jones, Laird, La Rue, Leavitt, Nutt, Pace, Rowell, Smith, Stratton, Taylor, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS PREVIOUSLY MADE CASES OF URGENCY.

Assembly Bill No. 1011—An Act to amend Sections 146 and 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1011 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Dwyer, Gillette, Goad, Hall, Jones, La Rue, Leavitt, Maggard, Nutt, Prisk, Smith, Stratton, Taylor, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1012—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1012 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Gillette, Goad, Hall, Jones, La Rue, Maggard, Morehouse, Nutt, Rowell, Smith, Stratton, Taylor, Trout, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Taylor moved that Assembly Bills Nos. 828 and 907 be taken up and considered.

So ordered.

Assembly Bill No. 828—An Act to appropriate the sum of \$400 to pay the claim of Argus Publishing Company, for money due and owing the said Argus Publishing Company from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 828 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Chapman, Currier, Curtin, Davis, Dickinson, Dwyer, Goad, Hall, La Rue, Maggard, Nutt, Prisk, Rowell, Smith, Stratton, Taylor, Trout, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 907—An Act to appropriate the sum of \$400 to pay the claim of the Alameda Encinal for money due and owing the said Alameda Encinal from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 907 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Currier, Cutter, Davis, Doty, Gillette, Goad, Hall, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Smith, Stratton, Taylor, and Trout—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 248—An Act making an appropriation to pay the claim of Olive R. Chapman, arising upon a judgment recovered against the State of California, in the Superior Court of the City and County of San Francisco, on August 8, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 248 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Currier, Cutter, Davis, Doty, Flint, Gillette, Goad, Hall, La Rue, Leavitt, Luchsinger, Morehouse, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Morehouse, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 18, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 733, entitled "An Act making an appropriation for pay of officers and clerks Senate, thirty-third session."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 18, 1899. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I hereby nominate and appoint Paris Kilburn a member of the Board of State Harbor Commissioners, instead of Edward L. Colnon, term expired; and F. S. Chadbourne a member of the Board of State Harbor Commissioners, instead of Rudolph Herold, Jr., failed to qualify, etc. Also, I hereby nominate and appoint R. S. Alexander a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia. Also, C. H. S. Pratt a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia. Also, Wm. G. Leale a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia; and I respectfully ask your concurrence and consent to said appointments.

HENRY T. GAGE,
Governor of the State of California.

SUSPENSION OF RULES.

On motion of Senator Morehouse, the rules were suspended for the purpose of considering messages from the Governor.

The acting President put the question, "Will the Senate advise and consent to the appointment of Paris Kilburn as a member of the Board of State Harbor Commissioners, vice E. L. Colnon, term expired?"

The roll was called, with the following result:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Jones, Laird, La Rue, Leavitt, Morehouse, Nutt, Pace, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Whereupon the acting President announced that the appointment of Paris Kilburn as a member of the Board of State Harbor Commissioners had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of F. S. Chadbourne as a member of the Board of State Harbor Commissioners, instead of Rudolph Herold, Jr.?"

Pending the roll call, Senator Leavitt moved that further consideration of the appointment be temporarily postponed.

So ordered.

The acting President put the question, "Will the Senate advise and consent to the appointment of R. S. Alexander as a member of the Board of Pilot Commissioners?"

The roll was called, with the following result:

AYES—Senators Bettman, Brauhart, Bulla, Burnett, Currier, Cutter, Dickinson, Doty, Flint, Gillette, Hall, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—25.

NOES—None.

Whereupon the acting President announced that the appointment of R. S. Alexander as a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of C. H. S. Pratt as a member of the Board of Pilot Commissioners?"

The roll was called, with the following result:

AYES—Senators Bettman, Brauhart, Bulla, Currier, Cutter, Dickinson, Doty, Flint, Gillette, Hall, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Rowell, Sims, Smith, Taylor, Trout, and Wolfe—22.

NOES—Senator Jones—1.

Whereupon the President announced that the appointment of C. H. S. Pratt had been duly confirmed as a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia.

The acting President put the question, "Will the Senate advise and consent to the appointment of William G. Leale as a member of the Board of Pilot Commissioners?"

The roll was called, with the following result:

AYES—Senators Bettman, Brauhart, Bulla, Currier, Cutter, Dickinson, Doty, Flint, Gillette, Jones, La Rue, Maggard, Morehouse, Nutt, Rowell, Simpson, Sims, Smith, Taylor, Trout, and Wolfe—21.

NOES—None.

Whereupon the acting President announced that the appointment of William G. Leale as a member of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia had been duly confirmed.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in the sum of \$31 in favor of the Sergeant-at-Arms of the Senate, in payment of sundry bills hereto attached, and the Treasurer is directed to pay the same, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

ATTACHED BILLS.

Senate, Dr.:

March 18—To John Breuner, repairing windows, chair, etc.....	\$10 85
March 18—To Sergeant-at-Arms, hacks held under orders for "call of Senate".....	10 00
March 17—F. R. Pulford, sundries; keys for desks.....	2 40
March 18—Hack hire.....	4 00
March 18—Rubber stamps.....	3 75
Total	\$31 00

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Currier, Cutter, Doty, Flint, Gillette, Hall, Hoey, Jones, La Rue, Maggard, Morehouse, Nutt, Rowell, Sims, Smith, Taylor, Trout, and Wolfe—22.
 NOES—None.

At eleven o'clock P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

On motion of Senator Boyce, Assembly Joint Resolution No. 20 was taken up for consideration.

ASSEMBLY JOINT RESOLUTION NO. 20.

Relative to an inquiry into the alleged servitude in Siberia of Ira Whitney and companions.

WHEREAS, Ira Whitney, a native of California, and a subject of the United States, in April, eighteen hundred and ninety-six, while engaged in hunting in Pacific waters along the Asiatic coast, was lost and believed to have perished; and

WHEREAS, It is reported that he and his companions are now in servitude in Siberia; therefore, be it

Resolved by the Assembly, the Senate concurring, That the Hon. Henry T. Gage, Governor of the State of California, be requested to correspond with the Secretary of State of the United States, and that our Senators in Congress be requested to use their best endeavors with the Secretary of State, all to the end that the active agency of our Government, and of the diplomatic and consular service thereof, may be enlisted in ascertaining the truth with reference to said report, and in securing the release and return to their own country of the said Ira Whitney and his companions, if they yet survive.

Resolution read.

The question being on the adoption of the Joint Resolution.

The roll was called, and Assembly Joint Resolution No. 20 adopted by the following vote:

AYES—Senators Boyce, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Sims, Stratton, Taylor, and Trout—22.
 NOES—None.

Resolution ordered transmitted to the Assembly.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 303—An Act making an appropriation to pay mileage to A. E. Pomeroy, Percy R. Wilson, J. Marion Brooks, and T. P. Lukens from Los Angeles to the cities named in attending the joint meetings of the Normal School Boards held at San José, June 27, 1897, and at Sacramento, December 14, 1898.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 303 finally passed by the following vote:

AYES—Senators Boyce, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Flint, Gillette, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Sims, Stratton, Taylor, and Trout—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1005—An Act to amend Section 183 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1005 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Bulla, Burnett, Chapman, Curtin, Davis, Dickinson, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Nutt, Smith, Taylor, Trout, and Wolfe—23.

NOES—Senators Braunhart, Currier, Doty, La Rue, Maggard, Pace, Prisk, Sims, and Stratton—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Sims moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day ordered that Assembly Bill No. 423—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Act, or parts of Acts, in conflict with the provisions of this Act," approved March 31, 1897—be returned to the Senate for correction.

C. W. KYLE, Chief Clerk.

By H. S. WANZER, Assistant.

Bill ordered on urgency file for second and third reading.

Assembly Bill No. 423—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Act, or parts of Acts, in conflict with the provisions of this Act," approved March 31, 1897.

Read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 423 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Flint, Hoey, La Rue, Luchsinger, Maggard, Pace, Prisk, Rowell, Sims, Stratton, Taylor, and Trout—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Wolfe, the special order file was taken up for consideration.

SPECIAL ORDERS.

Assembly Bill No. 435—An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State, at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 435 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Feeney, Flint, Gillette, Hall, Jones, La Rue, Luchsinger, Maggard, Nutt, Pace, Sims, and Wolfe—22.

NOES—Senators Hoey, Stratton, and Taylor—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 19—An Act to amend Sections 1083, 1094, 1113, 1115, 1130, 1131, 1160, 1164, 1174, 1187, 1188, 1196, 1197, 1205, 1210, 1211, 1257, 1258, and 1259 of the Political Code, and to repeal Section 1228 thereof, all relating to elections.

Bill read third time on previous day.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Burnett moved a call of the Senate.

The question being on the motion for call of the Senate.

The ayes and noes were demanded by Senators Braunhart, Ashe, and Sims.

The roll was called, and the motion for a call of the Senate carried by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Currier, Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Hoey, Laird, Leavitt, Luchsinger, Nutt, Taylor, Trout, and Wolfe—18.

NOES—Senators Ashe, Boyce, Braunhart, Chapman, Curtin, Doty, Hall, Jones, La Rue, Pace, Prisk, Rowell, Sims, Smith, and Stratton—15.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Boyce, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Nutt, Pace, Prisk, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—34.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty-seven minutes p. m., further proceedings under call of the Senate were dispensed with, on motion of Senator Bettman.

The roll of absentees was called, and the President pro tem. thereupon declared Assembly Bill No. 19 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Hoey, Laird, Leavitt, Luchsinger, Maggard, Nutt, Shortridge, Taylor, Trout, and Wolfe—21.

NOES—Senators Ashe, Boyce, Brauhart, Curtin, Doty, Dwyer, Hall, Jones, La Rue, Pace, Prisk, Rowell, Sims, Smith, and Stratton—15.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Bulla moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Also: Concurred in Senate amendments to Assembly Bill No. 368—An Act to appropriate money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Also: Assembly Bill No. 606—An Act making an appropriation to pay the deficiency in the appropriation for "repairs to the Capitol building and furniture, etc."

Also: Assembly Bill No. 664—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth fiscal year.

Also: Assembly Bill No. 665—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-ninth fiscal year.

Also: Assembly Bill No. 695—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the Capitol building and furniture for the fiftieth fiscal year.

Also: Assembly Bill No. 696—An Act making an appropriation to pay the deficiency in the appropriation for the purchase of furniture and carpets in the Capitol building for the fiftieth fiscal year.

Also: Passed Senate Bill No. 724—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time, and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Clerk of the Supreme Court."

Also: Passed Senate Bill No. 725—An Act entitled "An Act to amend Section 751 of the Political Code of the State of California," and providing for the appointment of a chief deputy clerk and five deputy clerks of the Clerk of the Supreme Court.

Also: Passed Senate Bill No. 459—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General, for the fiftieth fiscal year.

Also: Passed Senate Bill No. 287—An Act to amend Section 501 of the Civil Code of the State of California, relating to street railroad cars.

Also: Passed Senate Bill No. 422—An Act appropriating money for the repair and improvement of the building and grounds at the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Concurred in Senate amendments to Assembly Bill No. 19—An Act to amend Sections 1131, 1160, 1164, 1196, 1197, 1205, 1210, 1211, 1257, and 1259 of the Political Code, all relating to elections.

Also: Concurred in Senate amendments to Assembly Bill No. 325—An Act relating to the liens of miners and others upon mining claims.

Also: Concurred in Senate amendments to Assembly Bill No. 385—An Act regulating the mode of operating mines where blasting is being done.

Also: Requests that the Senate return to the Assembly for correction, Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

Also: Passed Senate Bill No. 734—An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the Controller and Treasurer to transfer the amount herein appropriated from the General Fund to said Adult Blind Fund.

Also: Passed Senate Bill No. 748—An Act making an appropriation for repairing the roof, gutters, and conductors of the State Capitol building, and repairing interior of Capitol building, resulting and existing from defects in such roof, gutters, and conductors.

Also: Passed Senate Bill No. 712—An Act to appropriate the sum of eleven hundred and fifty dollars and fifty cents to pay the claim of Bancroft, Whitney & Co., for money due and owing the said Bancroft, Whitney & Co. from the State of California.

Also: Passed Senate Bill No. 402—An Act authorizing the Superintendent of Public Instruction to purchase necessary metallic filing and book cases, and to furnish and repair his office, and making an appropriation therefor.

Also: Passed Senate Bill No. 622—An Act making an appropriation to pay the contingent expenses of the Commissioners for the Revision and Reform of the Law for the forty-eighth, forty-ninth, and fiftieth fiscal years.

Also: Passed Senate Bill No. 623—An Act to appropriate the sum of eighty-one dollars and eighteen cents to pay the claim of C. A. Williams for money due and owing to the said C. A. Williams from the State of California.

Also: Passed Senate Bill No. 624—An Act to appropriate the sum of two hundred dollars to pay the claim of Scott Calhoun, for money due and owing the said Scott Calhoun from the State of California.

Also: Passed Senate Bill No. 625—An Act to appropriate the sum of twenty one dollars and fifty cents to pay the claim of M. G. Barrett, for money due and owing the said M. G. Barrett from the State of California.

Also: Passed Senate Bill No. 271—An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Also: Passed Senate Bill No. 284—An Act to appropriate money for the purchase of tools and books for the use of the Preston School of Industry.

Also: Passed Senate Bill No. 325—An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges, and making an appropriation therefor.

Also: Passed Senate Bill No. 319—An Act to authorize the insurance of all property of the University of California, held for purposes of income, against damages or loss.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Constitutional Amendment No. 15 ordered returned to the Assembly, as requested by that body.

Senate Bills Nos. 724, 725, 459, 287, 422, 734, 748, 712, 402, 622, 623, 624, 625, 271, 284, 325, and 319 ordered to enrollment.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 417—An Act to provide for the construction of a free wagon road from Tallac to McKinney's, along the western shore of Lake Tahoe, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 417 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Dwyer, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Nutt, Prisk, Rowell, Shortridge, Stratton, Taylor, Trout, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 538—An Act authorizing the appointment of a Commissioner of Irrigation to coöperate with the Director of the United States Geological Survey in surveys and estimates of costs of reservoirs and dams for storing flood waters for irrigation, mining and industrial purposes, and appropriating money to carry out the provisions of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 538 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Smith, Taylor, Trout, and Wolfe—28.

NOES—Senator Sims—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 346—An Act to amend Section 1699 of the Code of Civil Procedure, relating to the settlement of accounts of trustees and to compensation of trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 346 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Chapman, Curtin, Cutter, Davis, Doty, Feeney, Flint, Hall, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Rowell, Shortridge, Smith, Stratton, Trout, and Wolfe—24.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 765—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, extending the time during which the Board of Directors may sit as a Board of Equalization.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 765 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Chapman, Currier, Curtin, Cutter, Dickinson, Doty, Dwyer, Feeney, Gillette, Hall, Hoey, Jones, Leavitt, Luchsinger, Maggard, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Taylor, and Trout—25.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1008—An Act to create a Joint Board of Trustees for the Whittier State School and the Preston School of Industry, to define its duties and powers, and to provide for the classification of inmates therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1008 finally passed by the following vote:

AYES—Senators Bettman, Bulla, Burnett, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Jones, La Rue, Maggard, Nutt, Pace, Prisk, Rowell, Shortridge, Taylor, Trout, and Wolfe—24.

NOES—Senators Laird and Smith—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 255—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new

section thereto, to be known and numbered Section 2664, relating to highway taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 255 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Hall, Jones, Laird, Maggard, Nutt, Pace, Shortridge, Stratton, Trout, and Wolfe—22.

NOES—Senators Cutter, Dickinson, Flint, Gillette, La Rue, Leavitt, Luchsinger, Rowell, Sims, Smith, and Taylor—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 325—An Act relating to the liens of miners and others upon mining claims.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 325 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Feeney, Flint, Gillette, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—28.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 911—An Act to amend the Political Code by adding a new section thereto, numbered 1186½, relating to the organization of committees to represent political parties at primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 911 refused passage by the following vote:

AYES—Senators Bettman, Cutter, Dickinson, Feeney, Hall, Hoey, Maggard, and Wolfe—8.

NOES—Senators Ashe, Braunhart, Bulla, Currier, Curtin, Doty, Jones, Laird, La Rue, Leavitt, Nutt, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Trout—18.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 550—An Act to amend Section 296 of the Civil Code, relating to the filing of articles of incorporation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 550 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 745—An Act to abolish the office of Quarantine Officer to the Board of Health for the City and County of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 745 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Dickinson, Doty, Feeney, Gillette, Hall, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—30.

NOES—Senator La Rue—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Hon. F. W. Leavitt, State Senator from the Twenty-eighth District, in the chair.

Assembly Bill No. 385—An Act regulating the mode of operating mines where blasting is being done.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 385 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Cutter, Davis, Doty, Feeney, Gillette, Hall, Hoey, Jones, Laird, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 692—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the general permanent powers of Boards of Supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 692 refused passage by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Doty, Feeney, Hall, Hoey, Jones, Maggard, Nutt, Pace, Stratton, and Wolfe—20.

NOES—Senators Dickinson, Gillette, Laird, La Rue, Leavitt, Luchsinger, Rowell, Sims, Smith, and Taylor—10.

The Secretary was directed to inform the Assembly, by message, of the Senate's action on Assembly Bill No. 692.

Assembly Bill No. 237—An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 237 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Burnett, Chapman, Curtin, Cutter, Dickinson, Doty, Feeney, Hall, Hoey, Laird, La Rue, Leavitt, Luchsinger, Pace, Sims, Stratton, Taylor, Trout, and Wolfe—22.

NOES—Senators Currier, Davis, Gillette, Jones, Maggard, and Smith—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 878—An Act to provide for the survey, location,

and construction of a public highway or wagon road from the City of Merced to the Yosemite Valley, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 878 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Jones, Laird, Leavitt, Luchsinger, Maggard, Pace, Sims, Stratton, Taylor, and Trout—24.

NOES—Senator Smith—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 899—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 899 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Chapman, Currier, Curtin, Davis, Doty, Feeney, Flint, Gillette, Hall, Hoey, Jones, Laird, La Rue, Luchsinger, Maggard, Nutt, Pace, Stratton, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 104—An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat, and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns within the State of California, and repealing conflicting Acts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 104 refused passage by the following vote:

AYES—Senators Ashe, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Doty, Gillette, Hoey, La Rue, Maggard, Nutt, Rowell, Smith, Stratton, Taylor, and Trout—19.

NOES—Senators Bettman, Cutter, Dickinson, Feeney, Flint, Laird, Leavitt, Pace, Sims, and Wolfe—10.

Assembly Bill No. 946—An Act making an appropriation to pay the claim of Thomas O. Toland, Trustee of the State Normal School of San Diego, for mileage in attending the meetings of the Joint Board of Normal School Trustees held in San José in June, 1897, at Los Angeles in April, 1898, and at Sacramento in September, 1898.

Read second time.

Read third time.

The question bring on the passage of the bill.

The roll was called, and Assembly Bill No. 946 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Feeney, Flint, Gillette, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, Sims, Smith, Stratton, Taylor, Trout, and Wolfe—27.

NOES—Senator Burnett—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 937—An Act to amend Sections 1637 and 1638 of Chapter III, Title III, Part III, of the Political Code, relating to the school law of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 937 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Feeney, Gillette, Hoey, Jones, La Rue, Leavitt, Luchsinger, Maggard, Nutt, Pace, Prisk, Rowell, Smith, and Stratton—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

On motion of Senator Cutter, the consideration of Assembly Bills Nos. 952 and 681 were made special orders immediately after recess.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 525—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 525 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Chapman, Currier, Curtin, Cutter, Davis, Doty, Feeney, Hoey, Jones, La Rue, Luchsinger, Maggard, Nutt, Pace, Rowell, Shortridge, Sims, Smith, Taylor, Trout, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Assembly Bills Nos. 952, 681, 757, 758, and 742 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that a bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that each of said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

The roll was called, and the resolution lost by the following vote:

AYES—Senators Ashe, Braunhart, Chapman, Curtin, Cutter, Dickinson, Dwyer, Feeney, Goad, Jones, Luchsinger, Morehouse, Nutt, Shortridge, Simpson, Sims, and Wolfe—17.

NOES—Senators Bulla, Davis, Gillette, Laird, Prisk, Rowell, Stratton, and Trout—8.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage recommend the adoption of the following resolutions:

Resolved, That the Controller of State be directed to cancel any warrants that may have been drawn in favor of L. E. W. Pioda, as committee clerk, since March 5th; said Pioda not having rendered service from that date.

Resolved further, That the Controller of State be directed to cancel any warrants that may have been drawn in favor of L. Taylor, as watchman, since March 12th; said Taylor not having rendered service from that date.

FLINT, Chairman.

Resolutions adopted.

MOTION.

Senator Bulla moved to take up messages from the Assembly.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California, for loss of merchandise by the collapse of a portion of Pier 9 in the City and County of San Francisco, California.

Also: Returns Assembly Bill No. 692—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the general permanent powers of Boards of Supervisors—as per request.

C. W. KYLE, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 318 ordered to enrollment.

Assembly Bill No. 692 ordered on file.

Senator Dickinson moved that the vote whereby Assembly Bill No. 692 was on yesterday refused passage, be reconsidered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Asbe, Bettman, Braunhart, Bulla, Burnett, Chapman, Currier, Curtin, Davis, Dickinson, Doty, Feeney, Flint, Goad, Hall, Jones, Langford, Luchsinger, Maggard, Morehouse, Nutt, Shortridge, Simpson, Stratton, and Wolfe—25.

NOES—Senators Gillette, Prisk, Sims, and Trout—4.

Assembly Bill No. 692—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the general permanent powers of Boards of Supervisors.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 692 finally passed by the following vote:

AYES—Senators Bettman, Braunhart, Bulla, Burnett, Currier, Curtin, Davis, Doty, Dwyer, Feeney, Goad, Hall, Jones, Langford, Morehouse, Nutt, Shortridge, Simpson, Stratton, Trout, and Wolfe—21.

NOES—Senators Chapman, Dickinson, Gillette, Laird, La Rue, Luchsinger, Maggard, Prisk, Rowell, Sims, and Taylor—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At eleven o'clock and fifty-seven minutes P. M., a recess was declared until nine o'clock A. M. of Sunday, March 19, 1899.

IN SENATE.

SENATE CHAMBER,

Sunday, March 19, 1899. }

At nine o'clock A. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Braunhart, Chapman, Curtin, Cutter, Davis, Doty, Dwyer, Flint, Gillette, Goad, Jones, Laird, Langford, Luchsinger, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—24.

Quorum present.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 287—An Act to amend Section 501 of the Civil Code of the State of California, relating to street railroad cars.

Also: Senate Bill No. 318—An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Also: Senate Bill No. 459—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General, for the fiftieth fiscal year.

Also: Senate Bill No. 422—An Act appropriating money for the repair and improvement of the buildings and grounds at the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 18th day of March, 1899.

JONES, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 19, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolutions:

Resolved, That the pay of official stenographer to the Senate be allowed Mrs. E. J. Niles, from January 2, 1899, to and including January 30, 1899, for services rendered the Senate, the same payable out of the Contingent Fund of the Senate.

Recommend the adoption of the following substitute:

Resolved, That Mrs. E. J. Niles be and is allowed \$100 as pay for services rendered as official stenographer of the Senate previous to January 31, 1899, the same payable out of the Contingent Fund of the Senate; and the State Controller is hereby directed to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Also: Your committee recommend the adoption of the following resolution:

Resolved, That G. Hughes be and he is hereby allowed the sum of \$21, payable from the Contingent Fund of the Senate, for services rendered as Watchman in place of L. Taylor, who has not reported for duty during the said time. The Controller of State is directed to draw his warrant in favor of said G. Hughes for the sum of \$21, and the Treasurer directed to pay the same.

Also:

Resolved, That the sum of \$66 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to I. M. Terrill, for services rendered as Porter, Gatekeeper, and Watchman, for twenty-two days' services. The Controller of State is hereby authorized to draw his warrant for the above amount, and the Treasurer is directed to pay the same.

Recommend that the above resolution be adopted for \$57.

Also:

Resolved, That C. E. Williams, Bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all vouchers and papers, after the close of the Senate, to their

proper owners, and also to make up a file of the chapters for each Senator, to be shipped with their other papers; and

Resolved, That he be allowed fifty dollars (\$50) for above services, and the Controller is hereby instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Recommend that the above resolution be adopted for \$25.

Also:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-third session, embracing a history of all bills introduced, their authors, the number that have become laws, those that have been read the second readings, and all other information that will create a perfect guide and history of the session's business. Together with this shall be the expenses of the Senate and Assembly, and of printing, such information being prepared not only for the public, but as a guide for the thirty-fourth session of the Legislature. For the purpose of carrying out this work, the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of F. J. Brandon, \$50 of which is to pay the postage and expenses in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Recommend that the above resolution be adopted.

Also:

Resolved, That the sum of \$150 be allowed George A. Leon for services at the Senate desk from February 5, 1899, to March 13, 1899, the same payable out of the Contingent Fund of the Senate. The Controller is ordered to draw his warrant for the said amount and the Treasurer to pay the same.

Recommend that \$75 be allowed said George A. Leon.

Also:

Resolved, That the pay of Assistant Minute Clerk be allowed C. S. MacMullan from March 4, 1899, to and including March 18, 1899, for services rendered at Senate desk, the same payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of C. S. MacMullan for \$84, and the Treasurer directed to pay the same, the same payable out of the Contingent Fund of the Senate.

Recommend that the above resolution be adopted.

Also:

Resolved, That the pay of official stenographer be allowed Mrs. F. E. Ott, from January 2 to February 13, 1899, inclusive, for services rendered the County Government Committee, and the same made payable out of the Contingent Fund of the Senate.

Recommend the adoption of the following substitute:

Resolved, That Mrs. F. E. Ott be and is allowed \$100 as pay for services rendered the County Government Committee of the Senate previous to February 10, 1899, the same payable out of the Contingent Fund of the Senate; and the State Controller is hereby directed to draw his warrant for the same, and the State Treasurer to pay the same.

Also:

Resolved, That E. F. Mitchell, Minute Clerk, and D. G. Holt and C. S. MacMullan, as assistants, be and are hereby employed to remain in Sacramento after final adjournment, and to properly paste together, arrange, and label the original minutes, which must be filed with the Secretary of State, and that for such services each is allowed the sum of \$100, payable out of the Contingent Fund of the Senate. The Controller is directed to draw his warrant for and the Treasurer to pay the same.

Recommend that above resolution be adopted for the sum of \$100.

Also:

Resolved, That the several amounts set opposite the following named persons be and the same are hereby appropriated out of the Contingent Fund of the Senate, for the purpose of paying for labor performed and services rendered by the different named persons as Porters of the Senate. The Controller of State is hereby authorized to draw his warrant in the several amounts, and the Treasurer is directed to pay the same.

Porters	Steve Truit, February 1 to March 18, 46 days, at \$3 per day	\$138 00
	E. Cowan, February 1 to March 18, 46 days, at \$3 per day	138 00
	G. E. Carter, February 1 to March 18, 46 days, at \$3 per day	138 00

Recommend that above resolution be adopted.

Also:

Resolved, That W. F. Mixon, Journal Clerk of the Senate, and E. H. Healey and Frank H. McConnell, his assistants, be and they are hereby employed after the final adjournment of the thirty-third session of the Legislature of the State of California, for the purpose of completing the work devolving upon them as Journal Clerks of the Senate, in comparing and delivering the corrected and approved Journals and the five bound copies of the same (as required by law) to the Secretary of the Senate, when completed, and that they each be allowed the sum of \$50 from and after the final adjournment of the thirty-third session of the Legislature, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Recommend that above resolution be adopted for \$25 for each.

Also:

Resolved, That George B. Smith, messenger to the State Printer, be required to serve as such for one week after adjournment *sine die*, to serve the clerks required by law to remain over to prepare papers, etc., to file with the Secretary of State. The Controller is directed to draw his warrant in favor of said Smith for \$21, and the Treasurer to pay the same at the expiration of said week.

Recommend that above resolution be adopted for \$10.

Also:

Resolved, That C. R. Mayhew, Engrossing and Enrolling Clerk of the Senate, and Miss Ethel Aitken, Assistant Engrossing and Enrolling Clerk, be and are hereby employed, after the final adjournment of the Senate, for the purpose of completing the work on their books, and delivering the same into the hands of the Secretary of State; and that they be allowed the sum of \$50 each, payable out of the Contingent Fund of the Senate; and that the Controller is hereby directed to draw his warrant for said amounts in favor of the above named persons, and the Treasurer is directed to pay the same.

Recommend that the above resolution be adopted for \$25 each.

Also:

Resolved, That A. Noble, Watchman of the Senate, be and is hereby employed for five days after the adjournment of the thirty-third session of the Legislature, as Watchman, at the same per diem received by him now for the same services, payable out of the fund for the contingent expenses of the Senate; and the Controller is hereby directed to draw his warrant for the same.

Recommend the adoption of the above resolution.

FLINT, Chairman.

Senator Stratton moved to amend the above report by striking out that portion which allowed C. S. MacMullan pay for services rendered at Senate desk from March 4th to March 18, 1899.

Motion unanimously carried.

The question being on the adoption of the report and resolutions, as amended.

The roll was called, and the same adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Cutter, Davis, Dickinson, Doty, Dwyer, Feeney, Flint, Gillette, Goad, Hall, Jones, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Prisk, Rowell, Shortridge, Simpson, Sims, Smith, Stratton, Trout, and Wolfe—33.

NOES—Senators Laird and Taylor—2.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1899.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the sum of \$115 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to Miss May Driscoll, for services rendered and performed as stenographer from January 25th up to and including February 17, 1899; and the Controller of State is hereby directed to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully recommend the adoption of the following resolution:

Resolved, That the sum of \$80 be and the same is hereby appropriated out of the Contingent Fund of the Senate, payable to Miss May Driscoll, for services rendered and performed as stenographer from February 1st up to and including February 16, 1899; and the Controller of State is hereby directed to draw his warrant for the same, and the State Treasurer is directed to pay the same.

FLINT, Chairman.

The question being on the adoption of the above report.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bettman, Boyce, Braunhart, Bulla, Chapman, Currier, Curtin, Davis, Dickinson, Gillette, Goad, Hall, Jones, Laird, La Rue, Luchsinger, Maggard, Morehouse, Prisk, Rowell, Shortridge, Sims, Smith, Stratton, Taylor, and Wolfe—26.

NOES—None.

ADOPTION OF CONSTITUTIONAL AMENDMENT.

The following was taken up for consideration :

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 15.

Proposing to the people of the State of California an amendment to Section 4 of Article I of the Constitution of the State of California, relating to the free exercise and enjoyment of religious worship.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California, at its regular session, commencing on the second day of January, in the year one thousand eight hundred and ninety-nine, two thirds of all the members elected to each house concurring, hereby propose that section four, of article one, of the Constitution of said State be amended so as to read as follows :

Section 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State, and the Legislature of said State shall not pass any law naming, prescribing, or setting aside any particular day or days of the week, nor any part thereof, for religious worship or observance; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Constitutional amendment read.

The question being on the adoption of the above resolution.

The roll was called, and Assembly Constitutional Amendment No. 15 adopted by the following vote:

AYES—Senators Ashe, Bettman, Braunhart, Bulla, Burnett, Chapman, Curtin, Dickinson, Doty, Dwyer, Flint, Gillette, Hall, Langford, La Rue, Luchsinger, Maggard, Morehouse, Nutt, Frisk, Rowell, Shortridge, Sims, Stratton, Taylor, Trout, and Wolfe—28.

NOES—None.

CONSIDERATION OF GOVERNOR'S NOMINATIONS.

On motion of Senator Shortridge, the Senate proceeded to consider the nomination of F. S. Chadbourne for member of the Board of State Harbor Commissioners.

The question being put, "Shall the Senate advise and consent to the appointment of F. S. Chadbourne as member of the Board of State Harbor Commissioners, instead of Rudolph Herold, Jr.?"

The roll was called, with the following result:

AYES—Senators Bettman, Bulla, Burnett, Currier, Davis, Dickinson, Flint, Gillette, Hoey, Jones, Laird, Luchsinger, Maggard, Morehouse, Nutt, Shortridge, Simpson, Smith, Stratton, Taylor, Trout, and Wolfe—22.

NOES—None.

Whereupon the President pro tem. declared that the appointment of F. S. Chadbourne as member of the Board of State Harbor Commissioners had been duly confirmed.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 19, 1899.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 725 An Act entitled an Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk and five deputy clerks of the Clerk of the Supreme Court.

Also: Senate Bill No. 624 An Act to appropriate the sum of \$200 to pay the claim of Scott Calhoun for money due and owing the said Scott Calhoun from the State of California.

Also: Senate Bill No. 625 An Act to appropriate the sum of \$21 50 to pay the claim of M. G. Barrett for money due and owing the said M. G. Barrett from the State of California.

Also: Senate Bill No. 271—An Act making an appropriation to pay the claim of Clement Bennett for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California.

Also: Senate Bill No. 284—An Act to appropriate money for the purchase of tools and books for the use of the Preston School of Industry.

Also: Senate Bill No. 325—An Act to provide for the erection of buildings, and certain improvements for the University of California and its affiliated colleges, and making an appropriation therefor.

Also: Senate Bill No. 319—An Act to authorize the insurance of all property of the University of California, held for purposes of income, against damages or loss.

Also: Senate Bill No. 734—An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the Controller and Treasurer to transfer the amount herein appropriated from the General Fund to said Adult Blind Fund.

Also: Senate Bill No. 748—An Act making an appropriation for repairing the roof, gutters, and conductors on the State Capitol building, and repairing interior of Capitol building, resulting and existing from defects in such roof, gutters, and conductors.

Also: Senate Bill No. 712—An Act to appropriate the sum of \$1,100 50 to pay the claim of Bancroft, Whitney & Co., for money due and owing the said Bancroft, Whitney & Co. from the State of California.

Also: Senate Bill No. 402—An Act authorizing the Superintendent of Public Instruction to purchase necessary metallic filing and book cases, and to refurnish and repair his office, and making an appropriation therefor.

Also: Senate Bill No. 622—An Act making an appropriation to pay the contingent expenses of the Commissioners for the Revision and Reform of the Law, for the forty-eighth, forty-ninth, and fiftieth fiscal years.

Also: Senate Bill No. 623—An Act to appropriate the sum of \$81 18 to pay the claim of C. A. Williams for money due and owing to the said C. A. Williams from the State of California.

Also: Senate Bill No. 349—An Act to amend Sections 1912, 1914, 1917, 1920, 1922, 1934, 1936, 1939, 1940, 1941, 1943, 1951, 1952, 1954, 1955, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1990, 1991, 1992, 1993, 2003, 2004, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2037; to repeal Sections 1918, 1923, 1927, 1929, 1937, 1938, 1969, 2003, as approved April 1, 1897; 2054, 2055, 2056, 2057, 2058, 2064, 2065, 2066, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2094, 2099, 2105, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, and to add new sections, to be known and numbered as Sections 1959a, 1967a, 1978, 1987, 1988, 1989, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2033, 2034, 2035, 2036, 2037, 2038, 2038a, 2069, 2070, 2071, and all of and to the Political Code of the State of California, relating to the National Guard.

Also: Senate Bill No. 700—An Act to appropriate \$1,125 to pay the unpaid salary of the late Dennis Spencer, as attorney for the State Board of Health and the Board of Health of the City and County of San Francisco from July 15, 1895, until and including November 30, 1895.

Also: Senate Bill No. 735—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 191, 197, 198, and 207 thereof.

Also: Senate Bill No. 751—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Senate Bill No. 741—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 740—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 739—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 180 thereof.

Also: Senate Bill No. 737—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 434—An Act appropriating the sum of five thousand (\$5,000) for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol.

Also: Senate Bill No. 207—An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 750—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 185, 208, and 209 thereof.

Also: Senate Bill No. 747—An Act to amend Section 181 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 745—An Act to amend Section 194 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 746—An Act to amend Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 744—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 179 of said Act, relating to counties of the twenty-second class.

Also: Senate Bill No. 742—An Act amending Section 193 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 724—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk and the deputy clerks of the Clerk of the Supreme Court.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 19th day of March, 1899, at eleven o'clock and forty-five minutes A. M.

JONES, Chairman.

MOTION.

Senator Dickinson moved that a committee of three be appointed by the Chair to wait upon the Governor and inform his Excellency that the Senate was about to adjourn and awaited his pleasure. Also, that a committee of three be likewise appointed to notify the Assembly that the Senate was ready to adjourn.

Motion carried.

APPOINTMENT OF COMMITTEES.

The President pro tem. appointed Senators Dickinson, Doty, and Gillette to wait upon the Governor and deliver above message, and Senators Morehouse, Sims, and Davis to notify the Assembly of the Senate's readiness to adjourn *sine die*.

RESOLUTION.

Senator Boyce offered the following resolution, and moved its adoption:

Resolved, That the resolution heretofore adopted on this day, in favor of F. J. Brandon, for the sum of \$550, be amended by adding the following:

Resolved further, That the Controller is hereby directed to draw his warrant in favor of F. J. Brandon for an additional sum of \$90, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same; the same to be paid by F. J. Brandon to C. S. MacMullan for services rendered at Senate desk.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Boyce, Braunhart, Chapman, Carrier, Curtin, Cutter, Davis, Dwyer, Feeney, Flint, Goad, Hall, Hoey, La Rue, Luchsinger, Nutt, Prisk, Rowell, Shortridge, Simpson, Smith, Trout, and Wolfe—25.

NOES—Senator Taylor—1.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Leavitt, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 18, 1899. }

To the Senate of the State of California:

A solemn duty required of you as Senators still remains unperformed. You have been elected as agents of the people, not only to pass necessary and judicious laws, but as well to choose a United States Senator to serve the State in Congress. As such representatives you were elected, not to voice the desires of particular localities, but to carry

out the will of the great majority of our people for their greatest possible good. Your personal feelings, your especial likes and dislikes, should therefore be subordinated to the sense of public duty. The people demand a United States Senator.

During the last political campaign no subject was of higher importance than the question of sustaining or opposing the plan of territorial expansion and the general national policy of our great President. That will of the majority of the people of this State of all political predilections, as expressed at the polls, was in favor of the National Administration; and you were, in effect, instructed by that splendid majority to elect a Senator in accord with the views of the President.

The demand of the people being thus strongly manifested, no diversity of opinion, no private discords, should be permitted to prove an obstacle to the fulfillment of the popular desire.

In view of the great territorial expansion westward in the Pacific Ocean, the commercial interests of this State are too vast and its political position too important to be now impaired by your failure to choose a national representative.

The power to select a Senator is vested in you by the Constitution, by the law, and by the people; and the people require at your hands the exercise of that high prerogative.

And now, at the close of your session, in the discharge of my solemn duty as your Executive, I beseech you to disregard and discard your individual prejudices—your personal disagreements—and to obey the people's behest. I implore you, not as partisans, but as distinguished representatives standing upon the high plane of American citizenship, and as the agents of the great majority of the people who elected you, and also as the guardians of the minority of our people whom you likewise represent, to execute *at this time* the popular demand.

I implore you to falter no longer in the discharge of your high duty; to select for the State a proper representative for the United States Senate; to rise above the antagonisms which have been engendered during your long session; and to choose for the people a man fully equipped, mentally and morally, for the great office of United States Senator—a man of distinguished abilities and virtue, a man in whom the people will perceive just grounds for confidence—a man who will best subserve our commercial and political interests, and represent the dignity of our people.

HENRY T. GAGE,

Governor of the State of California.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

RESOLUTION.

Senator Smith offered the following resolution, and moved its adoption:

Resolved, That the President of this Senate appoint a committee of three Senators to fully investigate the subject of State, county, and municipal taxation and revenue, and report its findings to the session of the Legislature convening in January, 1901; that the expenses of said committee for stationery, postage, and incidentals be paid out of the fund for the contingent expenses of the Senate, in no case to exceed the sum of \$100.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President, in compliance with resolution just adopted, appointed Senators Smith, Taylor, and Sims the committee to investigate the subject of State, county, and municipal taxation and revenue, and to report its findings to Legislature convening in 1901.

REPORT OF ASSEMBLY COMMITTEE.

An Assembly committee, Mr. Melick chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

REPORT OF SENATE COMMITTEE.

Senator Dickinson, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn,

reported that the Governor informed the committee that he had no further communication to transmit either to Senate or Assembly.

APPROVAL OF JOURNALS.

The Journals of Thursday, March 16, 1899, and Friday, March 17, 1899, were read and approved.

APPROVAL OF MINUTES.

The minutes of Saturday, March 18, 1899, and Sunday, March 19, 1899, were read and approved.

ADDRESS BY PRESIDENT OF SENATE.

Lieutenant-Governor Neff, President of the Senate, addressed the Senators. He said he had come among the members with little experience in legislative matters, and that he appreciated the indulgence shown him by the Senate. He had received every assistance from the President pro tem. (Flint), and from the able Secretary (Brandon), for which he desired to return thanks. He could bear testimony to the industry and indefatigable energy of the Senators, and knew that when they adjourned early they continued their work in committee. He extended to the Senate his sincere thanks for its uniform courtesy to him, and in concluding said: "I wish each and every one of you health, happiness, and prosperity."

FINAL ADJOURNMENT.

The President, upon concluding his remarks, declared the Senate adjourned *sine die*.

JACOB H. NEFF,

President of the Senate.

THOS. FLINT, JR.,

President pro tem. of the Senate.

F. J. BRANDON,

Secretary of Senate.

E. FOREST MITCHELL,

Minute Clerk of Senate.

W. F. MIXON,

Journal Clerk of Senate.

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6	An Act to provide for certain improvements and repairs at the State Normal School at Los Angeles, and making an appropriation therefor. Bulla	40	674	1360
7	An Act for the relief of John Mullan, and to appropriate money therefor. Chapman	40	675	972
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23	An Act to provide for the nomination of candidates for public office, the selection of delegates to national conventions, and the transaction, settlement and control of certain affairs of political parties or organizations, by and through political conventions composed of delegates chosen at general primary elections, or their proxies, and to regulate the conduct of such elections, and define and provide for definite political committees to cooperate therein, and to enforce said method of making such nominations. Morehouse	43		
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26	An Act to provide for the dredging and improvement of Alviso Slough, and to appropriate money therefor. Shortridge	43		
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28	An Act to amend Section 1290 and Section 1291 of the Political Code, relating to elections, and providing for declaring the result of the vote on proposed constitutional amendments. Sims	43		
29	An Act to establish the California Polytechnic School in the County of San Luis Obispo, California, and making an appropriation therefor. Smith	44	811	
30	An Act concerning elections and providing for the election of delegates to nominating conventions of political parties at elections known and designated as primary elections. Stratton	44	506	912

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37	An Act making an appropriation to pay the claim of F. P. Otis for costs of suit in foreclosing delinquent purchases of State school lands. Curtin.....	44	393	602
38	An Act prohibiting action by counties and by any city and county against the State. Cutter.....	45		
39	An Act appropriating money to pay the expenses of maintaining an exhibit of the mining products of the State of California at the World's Industrial Exposition, to be held at Paris, France, in 1900, and to provide for commissioners thereof. Davis.....	45		
40	An Act to create an Exempt Fireman's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen. Doty.....	45		
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43	An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the Free Public Market established by the Act approved March 29, 1897. Langford.....	45	1108	1542
44	An Act entitled an Act to amend an Act to prevent sheep and goats being herded or running at large in certain portions of Lake County. La Rue.....	45		
45	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 228 of said Act, relating to and providing for county charges. Leavitt.....	45		
46	An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor. Morehouse.....	45	539	749
47	An Act to appropriate money for the improvement of the harbor of San Diego by the Board of State Harbor Commissioners for San Diego Bay. Nutt.....	45	1263	1615
48	An Act to prohibit the use, by purchasers of milk, cream, or other dairy products, of apparatus, test bottles, or other appliances, showing false percentages of cream, butterfat, or richness, so which by their use are calculated to deceive or defraud. Sims.....	45		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assem- bly
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50	An Act providing for the use of separate ballot-boxes for each political party at primary elections. Stratton.....	46		
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52	An Act to establish, ratify, and confirm the north boundary line of Mendocino County, between the counties of Mendocino and Trinity, as the same was surveyed and established by S. H. Rice, between September 1, 1891, and December 18, 1891, to be the true boundary line between the counties of Mendocino and Trinity, State of California. Boggs.....	46		
53	An Act to amend Sections 435, 1595, and 1858 of the Political Code of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and to add two new sections to said Code, to be known as Sections 1675 and 1705, relating to kindergartens. Boyce.....	46	822	1663
54	An Act to provide for the issuance and sale of State bonds to create a fund for the construction and extension, by the Board of State Harbor Commissioners, of the seawall and thoroughfare of the harbor of San Francisco, on the waterfront of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon; and to provide for the submission of this Act to a vote of the people. Braunhart.....	46	1270	1472
55	An Act appointing John Mullan agent of this State to collect from the United States all moneys heretofore paid, and which may also become due this State on account of obligations heretofore assumed by this State for the benefit and "common defense" of the United States growing out of Indian hostilities in this State and upon the borders thereof, including also all moneys which may become due this State on account of the five per cent of the net proceeds of the sales, for cash or otherwise, of the public lands made by the United States in this State, and allowing him compensation therefor in the event of success. Chapman.....	46		
56	An Act to amend Section 737 of the Political Code, relating to salaries of Justices of the Supreme Court and Superior Judges and officers connected with the Supreme Court. Curtin.....	47	481	941
57	An Act for the punishment of State, county, and city and county officers for withholding, hindering or delaying or aiding in the withholding, hindering or delaying the payment of moneys derived from taxes or fees collected for State purposes. Cutter.....	47		
58	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Davis.....	47	537	1654
59	An Act to provide for the inspection of dairies, factories of dairy products and of dairy products as to their sanitary condition, and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor. Dickinson.....	47	612	971
60	An Act to amend Section 613 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to cemetery corporations. Gillette.....	47		
61	An Act for the relief of district agricultural associations or district agricultural societies, and appropriating the sum of \$75,000 for such purpose. Langford.....	47		

Number	TITLE.	Intro- duced	Passed Senate	Passed As'mbly
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63	An Act to amend Section 1227 of the Civil Code of the State of California. Morehouse	47	1004	
64	An Act to amend Sections 2579, 2588, 2589, 2590, 2591, and 2605 of an Act entitled "An Act to add thirty-four sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as Sections 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, all relating to the establishing of a Board of State Harbor Commissioners for the Bay of San Diego," approved March 18, 1889, relating to the powers and duties of said Board of State Harbor Commissioners for the Bay of San Diego. Nutt	47		
65	An Act to add a new section to the Political Code, to be known as Section 793, relating to notaries public. Sims	48	488	679
66	An Act to amend Section 844 of the Code of Civil Procedure. Smith	48	514	728
67	An Act adding a new section to the Political Code of this State, to be known and designated as Section 1118, providing for registration and the use of registers at primary elections. Stratton	48		
68	An Act to amend Section 2 and Section 38 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, concerning changes in the grade of streets. Taylor	48	919	1329
69	An Act to add a new section to the Penal Code, to be designated as Section 354½, making it a misdemeanor to deface, obliterate, cover up, or otherwise remove, destroy, or conceal the duly filed trademark or name of another, printed, stamped, engraved, etched, blown, impressed, or otherwise attached to or produced upon any cask, keg, bottle, vessel, siphon, can, or other package. Wolfe	48		
70	An Act to appropriate \$17,500 for the furnishing of the administration building and two male wards of the Mendocino State Hospital; for the purchase of an electric plant for lighting the hospital buildings and grounds, and the necessary machinery and appliances therefor, and to construct a building to contain the same; to purchase an ice plant and cold storage system; to make the necessary changes in attics to protect the hospital buildings against fire, to appropriate money therefor, and provide for the expenditure of the same. Boggs	48	1124	1487
71	An Act to amend Sections 1770, 1771, 1772, 1773, 1774, and 1775 of the Political Code, relative to County Boards of Education. Boyce	48		
72	An Act to promote the safety of employes and passengers upon street railroads, by compelling the equipment of cars and dummies with fenders and brakes, and to prescribe penalties. Brauhart	48	490	1391
73	An Act for the relief of district agricultural associations, and appropriating money therefor. Curtin	49	1197	1581
74	An Act to amend Section 456 of the Civil Code. Cutter	49		
75	An Act making an appropriation to pay the claim of J. W. Sibole. Davis	49	360	1475
76	An Act to prevent deception in the manufacture and sale of butter in packages known as "short-weight," and to prevent deception in the use of designs or brands. Dickinson	49		
77	An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain. Gillette	49		

Number	TITLE.	Intro- duced	Passed Senate	Passed Asm'ly
78	An Act to keep open natural channels, not navigable, which run through agricultural land, and are subject to overflow to the injury of the land, and the duty of Boards of Supervisors in relation thereto. Langford	49		
79	An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895. Leavitt	49		
80	An Act to add a new section to the Civil Code of the State of California, to be numbered 3443. Morehouse	49	919	1329
81	An Act relating to the compensation of County Recorders in counties where their compensation is fees only, instead of salary. Nutt	49		
82	An Act authorizing the State Treasurer to furnish his office and the vault therein, and making an appropriation therefor. Smith	49	489	731
83	An Act to amend Section 1188 of the Political Code, relating to the method by which candidates for public office may be nominated. Stratton	49	516	730
84	An Act to regulate the practice of horseshoeing in the State of California, providing for the registration of master and journeyman horseshoers, the appointment of a board of examiners, determining the powers and duties of such board, and fixing a penalty for violation of the provisions of the Act. Taylor	49		
85	An Act to amend Section 1524 of the Penal Code, relating to the issuing of search warrants. Wolfe	50		
86	An Act to appropriate \$20,000 for the erection of a building for the Mendocino State Hospital, for the purpose of connecting the administration building with the ward buildings of the said Mendocino State Hospital, said buildings to contain an assembly hall and connecting corridor for the use of the patients of the said Mendocino State Hospital, to appropriate money therefor, and provide for the expenditure of the same. Boggs	50	1125	1550
87	An Act to amend Sections 1790 and 1791 of the Political Code, relating to City Boards of Examination. Boyce	50		
88	An Act for the suppression of bucket-shops, and gambling in stocks, bonds, petroleum, cotton, grain, provisions, or other produce. Braunhart	50		
89	An Act to amend Section 1086 of the Code of Civil Procedure, relating to the writ of mandate. Cutter	50		
90	An Act to amend an Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners (approved March 4, 1881. Statutes 1881, p. 26), relating to assessing and collecting said taxes. Davis	50		
91	An Act to prevent deception in the sale of process or renovated butter. Dickinson	50	347	562
92	An Act appointing Thomas M. Nosler, John Mullan, and James W. Shanklin agents of this State to collect from the United States all moneys by her advanced and paid for the benefit of the United States in connection with the volunteers of this State mustered into the military service of the United States during the rebellion, including all expenses incurred by this State in consequence of the rebellion, and allowing compensation therefor in the event of success. Langford	50		
93	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 3748, 3758, and 3759 of said Political Code, and by repealing Section 3762 of said Code, all relating to revenue and taxation. Leavitt	50	843	1300
94	An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to how funds of insurance companies may be invested. Morehouse	50	514	
95	An Act to amend Section 1186 of the Political Code, relating to conventions. Stratton	51	516	793

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
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97	An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant. Wolfe	51		
98	An Act to amend Sections 1 and 3 of an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878. Boyce.....	51		
99	An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to estates of deceased persons. Braunhart.....	51		
100	An Act for the protection of horticulture, and to prevent the introduction into this State of insects or diseases or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act. Cutter.....	51		
101	An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor. Dickinson.	51		
102	An Act empowering Boards of Supervisors to construct, reconstruct, and change the location of and enter into contracts concerning bridge or bridges across navigable streams or waterways in this State. Langford.....	51		
103	An Act to authorize agricultural societies to borrow money and secure the payment of the same. Morehouse.....	51		
104	An Act to amend Sections 541 and 542 of the Code of Civil Procedure of the State of California, relating to attachments. Stratton.....	51		
105	An Act to amend Section 103 of the Code of Civil Procedure of the State of California, relating to Justices' Courts and Justices of the Peace. Taylor.....	51	1009	1327
106	An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add two new sections to said Act, to be known as Sections 20 and 21. Boyce.	52		
107	An Act to prevent the shipment of infected fruits out of the State of California. Cutter.....	52		
108	An Act to amend Section 3519 and to repeal Section 3521 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning the patenting of lands belonging to the State. Dickinson.....	52		
109	An Act to provide for the purchase of a portrait of ex-Governor James H. Budd by the State Board of Examiners, and to appropriate money therefor. Langford.....	52	347	561
110	An Act to amend Sections 1373, 1633, 1552, 1668, and 1699 of the Code of Civil Procedure. Morehouse.....	52		
111	An Act to amend Section 688 of the Code of Civil Procedure of the State of California, relating to executions. Stratton.....	52		
112	An Act to amend Sections 6, 7, and 18 of an Act entitled "An Act to create and establish a State Board of Horticulture and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and an amendatory Act thereof, approved March 7, 1889. Cutter.....	52		
113	An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to estates of deceased persons. Braunhart.....	52		
114	An Act entitled an Act to amend Section 3009 of the Political Code, relating to the appointment of officers and employes by the San Francisco Board of Health. Dickinson.....	52		
115	An Act to appropriate money for the erection of a statue in Golden Gate Park to the memory of James Lick. Stratton.....	52		
116	An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to Public Administrators. Braunhart.....	52		
117	An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California. Cutter.....	52		

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118	An Act to pay the claim of Lawrence Dunnigan against the State of California, and making an appropriation therefor. Dickinson.....	53	696	876
119	An Act making an appropriation for improving the Deaf, Dumb, and Blind Asylum. Stratton.....	53	1311	1662
120	An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons. Braunhart.....	53		
121	An Act to appropriate \$10,000 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State parasites and predaceous insects. Cutter.....	53		
122	An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor. Dickinson.....	53	835	
123	An Act appropriating the sum of \$15,000 for the erection in Golden Gate Park, San Francisco, California, of a monument or statue to the memory of Colonel E. D. Baker, and appointment of a commission to carry into effect the provisions of this Act. Stratton.....	53		
124	An Act to amend Section 1379 of the Code of Civil Procedure, relating to administration of estates of deceased persons. Braunhart.....	53		
125	An Act to increase the membership of the Auditing Board to the Commissioner of Public Works. Cutter.....	55		
126	An Act to amend Section 25 of an Act to establish a uniform system of county and township governments, approved April 1, 1897, relating to the powers of Boards of Supervisors. Cutter.....	56		
127	An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893. Dickinson.....	56	464	1385
128	An Act to amend Sections 537 and 539 of the Code of Civil Procedure, relating to attachments. Dickinson.....	56	1380	
129	An Act to regulate the licensing and powers of detectives within the boundaries of the State of California. Dickinson.....	56		
130	An Act to amend Section 849 of the Penal Code of the State of California, relating to arrests. Stratton.....	56		
131	An Act to amend Section 337 of the Civil Code of the State of California, relating to the publication of notice of the delinquent assessment upon stock of corporations. Stratton.....	56		
132	An Act relating to certain contracts for the conditional sale, lease, or hire of railroad and street railway equipment and rolling stock, and providing for the recording thereof. Stratton.....	56		
133	An Act concerning registration for primary elections. Stratton.....	56	516	729
134	An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund. Stratton.....	56	864	
135	An Act relating to negotiable instruments, being an Act to establish a law uniform with the laws of other States on that subject. Stratton.....	56		
136	An Act to appropriate money to pay the Directors of the California Institute for the Deaf, Dumb, and Blind, for the concrete gutting, culverting, and macadamizing of Warring Street, in front of the lands of the Institute of the Deaf, Dumb, and Blind of Berkeley, California. Stratton.....	56		
137	An Act to prohibit the wearing of the insignia, badges, links, buttons, uniform, or other emblems of secret societies, and the use thereof to obtain aid or assistance by persons not members thereof, and to punish for the violation of this Act. Doty.....	56		
138	An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts, in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891. Taylor.....	57		

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
139	An Act prohibiting the sale of adulterated cigarettes, and providing a legal sanction. Taylor	57		
140	An Act to pay the claim of Abraham W. Rapelye against the State of California, and making an appropriation therefor. Nutt	57		
141	An Act amending an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 139, relating to fraudulent proof of labor on mining claims under the laws of this State, or of the United States. Jones	57		
142	An Act to amend an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of locations and affidavits," approved March 27, 1897, by adding a new section thereto, defining who may not relocate a claim after the same has lapsed for want of the performance of labor. Jones	57	1252	1651
143	An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes. Currier	57		
144	An Act requiring the Board of State Harbor Commissioners to construct works for preserving piles and timber for the use of wharves, piers, quays, and landings on the waterfront of the City and County of San Francisco. Braunhart	57		
145	An Act to amend Section 737 of the Political Code of the State of California, relating to the annual salaries of the Judges of the Superior Court. Braunhart	58		
146	An Act to amend Sections 1917, 1918, and 1920 of the Civil Code, relating to legal rate of interest. Braunhart	58	843	1509
147	An Act to amend Section 1970 of the Civil Code of the State of California, relating to obligations of employers. Braunhart	58		
148	An Act to amend Section 657 of the Code of Civil Procedure of the State of California, relative to new trials. Braunhart	58		
149	An Act to amend Section 8 of an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and providing for an additional department to be known as Department No. 4, and the appointment of a suitable person to act as Judge of said Court, approved February 23, 1893, relative to stenographers. Braunhart	58		
150	An Act to provide for additional improvements at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same. Currier	58		
151	An Act for the relief of John N. E. Wilson, ex-Insurance Commissioner of the State of California, and of James D. Byrnes and Frank C. De Long, the bondsmen of said John N. E. Wilson, ex-Insurance Commissioner. Dickinson	58	488	679
152	An Act supplemental to an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, authorizing such associations to erect, purchase, or lease buildings and furnaces, and other works for the cremation of human bodies; also to erect or lease buildings, in which shall be entombed only the ashes of cremated dead, to make provisions for the care of the burial places and ashes of the dead; also to provide for the cremation of the unclaimed dead, and bodies liable, if interred, to spread disease. Bulla	58		
153	An Act to amend Sections 245, 246, 268, of the Political Code, relating to the officers and employes of the Legislature. Cutter	65		
154	An Act to amend Sections 2570 and 2571 of the Political Code of the State of California, relative to the Harbormaster of the port of Eureka, and relative to the salaries of the members of the Board of Harbor Commissioners. Gillette	65		
155	An Act to amend Section 1772 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers of guardians in partition. Boyce	66	1033	1485

Number	TITLE.	Intro- duced	Passed Senate.	Passed As Amby
156	An Act to amend Section 1755 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to power of Judge to insert conditions in order appointing guardian. Boyce	66		
157	An Act making an appropriation for the erection of a building for the accommodation, detention, and care of insane convicts and criminals, and for purchasing the necessary furniture, appliances, and apparatus therefor, and paying for the other expenses incident and relating thereto, and provide for managing the same, for the transfer of prisoners thereto, and government of the inmates thereof. Boggs	66		
158	An Act relating to the sale of cigarettes, requiring all persons who sell cigarettes at retail to obtain a license and pay a license tax therefor, providing for the issuance of such license, and a penalty for violating the provisions of the Act. Taylor	66		
159	An Act to amend an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897. Curtin	66	1252	1659
160	An Act to provide for the classification of the roads in the State of California, and to define each class. Cutter	70		
161	An Act to amend Section 2643 of the Political Code, relating to road tax and its apportionment among road districts. Cutter	70		
162	An Act to amend Article IV, Section 2651, of the Political Code, relating to general road fund and highway taxes. Cutter	70		
163	An Act to amend Section 2655 of the Political Code, relating to highway taxes to be expended in districts. Cutter	70		
164	An Act to provide for the acceptance of highways of the first class by the State, and the maintenance of the same, and to make an appropriation therefor. Cutter	71		
165	An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor. Dickinson	71	841	1131
166	An Act to amend Section 2924 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, defining mortgages. Curtin	71	1386	
167	An Act to amend Sections 939 and 963 of an Act entitled "An Act to establish a Code of Civil Procedure." Langford	71	1207	
168	An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat and power, and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns, within the State of California, and repealing conflicting Acts. Langford	71		
169	An Act to provide for the appointment of State Detectives; to establish their duties, and to provide for the payment of their salaries. Langford	71		
170	An Act amending Section 1435 of the Penal Code of the State of California, relating to trials by jury in Justices' and Police Courts. Nutt	71		
171	An Act to amend Section 1 of an Act entitled "An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns," approved March 9, 1883. Nutt	71	1380	
172	An Act to amend an Act entitled "An Act to amend Section 103 of the Code of Civil Procedure of the State of California," approved March 31, 1891, relative to Justices' Courts. Nutt	71		
173	An Act amending Section 1042 of the Penal Code of the State of California, concerning the mode of trial in criminal cases. Nutt	71		
174	An Act making an appropriation to pay the claim of Julius Herzog for injuries sustained while in the service of the National Guard of California. Wolfe	71		
175	An Act providing for the erection of a mansion for the Governor of the State of California, and appropriating the necessary money therefor. Doty	71		

Number	TITLE.	Intro- duced	Passed Senate	Passed Asm'ly
176	An Act governing the transportation of the insane from the counties in which they have been committed to the asylums of the State of California, and designating the person or persons who shall convey such insane persons to said asylums. Braunhart	71		
177	An Act to add a new section to the Civil Code, to be known as Section 431 thereof, relating to the form of fire insurance policies. Braunhart	72	657	1506
178	An Act to add a new section to the Political Code of California, to be known as Section 635 thereof, relating to the form of fire insurance policies. Braunhart	72		
179	An Act adding a new section to the Civil Code, relating to the location of and to compel the construction of depots, stations, sidetracks, switches, turnouts, and spurs by transportation companies in the State of California, and fixing a penalty for failure to comply thereto. Braunhart	72		
180	An Act to amend Section 480 of the Civil Code, relating to reports to be made to the Board of Railroad Commissioners by railroad and other transportation companies, and fixing a penalty for failure to comply therewith. Braunhart	72		
181	An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889. Davis	72		
182	An Act authorizing cities and towns of the sixth class to obtain, by purchase, donation, or devise, lands for cemetery purposes, and authorizing the Board of Trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same. Currier	72	842	
183	An Act requiring the making and recording of maps of cities, towns, and additions to cities or towns, and subdivisions of lands into small lots or tracts, for the purposes of sale; providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded, and providing for the recording of maps now on file in the Recorder's office. Chapman	88		
184	An Act to pay the claim of Thomas Grace against the State of California, and making an appropriation therefor. Chapman	89		
185	An Act to pay the claim of Patrick Carroll against the State of California, and making an appropriation therefor. Chapman	89		
186	An Act to pay the claim of the Dutch Flat Public School District, and the Trustees thereof, against the State of California, and making an appropriation therefor. Chapman	89		
187	An Act to pay the claim of Mrs. J. Uren against the State of California, and making an appropriation therefor. Chapman	89		
188	An Act to pay the claim of the Methodist Episcopal Church of Dutch Flat, California, and the Trustees thereof, against the State of California, and making an appropriation therefor. Chapman	89		
189	An Act to pay the claim of W. P. Sowden against the State of California, and making an appropriation therefor. Chapman	89		
190	An Act to pay the claim of Thomas Flaridon against the State of California, and making an appropriation therefor. Chapman	89		
191	An Act to authorize the purchase or condemnation of land for streets when less than the distance between the two streets is required, and when the improvement to be effected thereby is not properly chargeable on a particular district. Sims	89		
192	An Act to amend Section 312 of the Civil Code, relative to the election of directors of corporations. Langford	89		
193	An Act to provide for the payment of interest at the statutory rate to every bona fide owner and holder of any unlocated or uncanceled school land warrant issued under the Act of the State of California, approved May 3, 1852, providing for the disposal of the five hundred thousand acres of land donated to the State of California by the Government of the United States, and to each and every person having owned and canceled any such warrant or warrants under the Act of March 23, 1893. Langford	89		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
194	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Davis	89	537	1654
195	An Act to amend Section 142 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Stratton	89		
196	An Act making an appropriation to pay the claim of Olive R. Chapman, arising upon a judgment recovered against the State of California, in the Superior Court of the City and County of San Francisco, on August 8, 1895. Stratton	90		
197	An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund. Stratton	90		
198	An Act authorizing the Secretary of State to appoint an additional clerk to be known as Janitor's Clerk, and providing for his salary for remainder of fiftieth fiscal year. Boyce	90		
199	An Act to amend Sections 245, 246, and 268 of the Political Code, relating to the officers and employes of the Legislature. Cutter	90	129	303
200	An Act providing for the selection, condemnation, and purchase of a suitable site, and erection thereon of a State building, in San Francisco, and making an appropriation therefor. Braunhart	90		
201	An Act to amend Section 158 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Braunhart	90		
202	An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors. Braunhart	90	1010	1510
203	An Act to amend Section 377 of the Code of Civil Procedure, relating to actions for damages. Braunhart	90		
204	An Act to amend an Act entitled "An Act relating to the working, rights of way, easement, and drainage of mines in the State of California." Prisk	90	1252	1659
205	An Act to amend an Act of the Legislature entitled "An Act concerning agricultural societies," approved March 12, 1859, and to authorize agricultural societies formed under said Act to borrow money and secure the payment of the same, or to sell property to pay the existing debts of said societies. Morehouse	90	843	1474
206	An Act to provide for the completion of the main building of the California Home for the Care and Training of Feeble-Minded Children by the erection, equipment, and furnishment of the front section thereof, to appropriate money therefor, and to authorize the expenditure of the same. Sims	98	895	1507
207	An Act to provide for the erection and equipment of a combined laundry, electric lighting, steam heating and power plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same. Sims	98	1337	1724
208	An Act to provide additional accommodations for inmates at the California Home for the Care and Training of Feeble-Minded Children by the erection of cottages for epileptic, paralytic, and feeble-minded persons, to appropriate money therefor, and to authorize the expenditure of the same. Sims	98	1315	
209	An Act to provide for the erection and equipment of a commissary building at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same. Sims	98		
210	An Act to provide an adequate water supply for and to the California Home for the Care and Training of Feeble-Minded Children by authorizing the Board of Trustees of the said California Home for the Care and Training of Feeble-Minded Children to acquire additional water sources and rights, to extend and perfect the present water system, to provide for water storage for fire emergency and other purposes, to appropriate money therefor, and to authorize the expenditure of the same. Sims	99	1126	1486
211	An Act making an appropriation to pay the claim of Thomas Hatch. Luchsinger	99	658	876

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmby
212	An Act to pay the claim of E. N. Strout, for services rendered as Reclamation Fund Commissioner, from June 1, 1873, to April 1, 1874, amounting to \$2,000, approved by the State Board of Examiners, and appropriating money to pay the same. Flint	102		
213	An Act for the relief of W. C. Guirey. Simpson	102		
214	An Act to compel employers to furnish surgical and medical attendance to employes injured during working hours in mills, factories, shipyards, foundries, and other places where machinery is used. Hoey	102		
215	An Act for the relief of Julius A. Holt, a private in Company C, First Regiment Infantry, Second Brigade, N. G. C., for injuries sustained while in active service. Hoey	102	835	1328
216	An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands. Doty	103		
217	An Act amending Section 2 of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California for the purpose of carrying on and conducting the business of mining," approved March 30, 1874, relating to the taking of samples from mines, and for the better protection of stockholders in mining corporations. Chapman	103		
218	An Act to amend an Act entitled "An Act to compel savings banks to publish a sworn statement of all unclaimed deposits," approved March 23, 1893, and compelling all banks to publish sworn statements of unclaimed deposits. Wolfe	103	1126	1550
219	An Act to amend Sections 1577, 1579, 1581, and 1595 of the School Law. Trout	103		
220	An Act to repeal an Act entitled "An Act to create a Bureau of Highways, and prescribe its duties and powers, and to make an appropriation for its expenses," approved March 27, 1895. Trout	103		
221	An Act to amend Sections 18 and 32 of an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof." Feeney	103		
222	An Act to amend Section 2 of an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895. Dickinson	103		
223	An Act authorizing and directing the transfer of \$40,000 from the Railway Tax Contingent Fund to the State School Fund, in compliance with the provisions of Section 3668 of the Political Code. Dickinson	103	1391	
224	An Act transferring the sum of \$80,000 from the General Fund to the Estates of Deceased Persons Fund. Dickinson	103	1391	
225	An Act transferring from the Estates of Deceased Persons Fund to the State School Land Fund the sum of \$100,000, and directing the State Board of Examiners to invest the same in interest-bearing bonds, to be held in trust for the benefit of the State School Fund. Dickinson	103	1392	
226	An Act to amend Section 3460 of the Political Code of the State of California, relating to assessments in reclamation districts, and to provide for a hearing of the land owners before the Commissioners of Assessment, in relation to such assessments. Cutter	104		
227	An Act making an appropriation to pay the unpaid claims for bounty on coyote scalps. Laird	117	867	
228	An Act appropriating \$80,000 to complete and equip the building now being constructed for the use of the State Normal School of San Diego, California. Nutt	117	1072	1456

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly.
229	An Act to provide for the disposal of money raised by cities or towns for public improvement after the same has been completed and paid for. Prisk	117	776	1131
230	An Act to authorize the transfer of \$40,000 from the General Fund to the State School Book Fund, and providing for its expenditure. Simpson	117		
231	An Act providing for the establishment and maintenance of sewer districts adjacent to municipal corporations. Morehouse	117		
232	An Act to amend Sections 2292, 2293, and 2298 of Chapter III, Title V, of the Political Code, relating to the State Library. Trout	117		
233	An Act to amend Section 1050 of the Code of Civil Procedure of the State of California. Cutter	117		
234	An Act to prevent the defrauding of livery stable proprietors and managers, and providing for the punishment thereof. Cutter	117		
235	An Act to amend an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect works necessary and incident to said drainage; to condemn land and property for the purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, by amending Sections 2, 3, and 4 thereof, so as to provide for the improvement and protection of the navigable channels and harbors of this State. Cutter	117		
236	An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor. Dickinson	117		
237	An Act to provide for the inspection of dried and canned fruits, raisins, and nuts. Dickinson	118		
238	An Act making an appropriation to pay the claim of I. H. Polk against the State of California. Simpson	126		
239	An Act to repeal an Act entitled "An Act for the establishment of a uniform system of road government and administration in the counties of the State of California," approved April 1, 1897. Langford	126		
240	An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891. Wolfe	126	1010	1508
241	An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891. Leavitt	126		
242	An Act authorizing a party required to give a bond or undertaking to agree with his sureties for the deposit and withdrawal of any or all moneys or assets for which such sureties are or may be held responsible. Dickinson	135		
243	An Act amending the Code of Civil Procedure of the State of California, adding a new section thereto, to be known and designated as Section 1408, making the expense of giving a bond by administrators, executors, trustees, receivers, and assignees an expense payable as an expense of administration. Dickinson	135		
244	An Act to pay the claim of J. W. Newbert against the State of California, and making an appropriation therefor. Dickinson	135		
245	An Act to pay the claim of William H. Donnelly against the State of California, and making an appropriation therefor. Dickinson	135		
246	An Act to provide for the organization of persons owning water which is received and distributed to their lands from a common source and by the same system of works, and also for the further acquisition and development of water. Currier	135	676	

Number	TITLE.	Intro- duced.	Passed Senate.	Passed As mblly
247	An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897. Sims.....	135		
248	An Act to amend Sections 3747, 3805, and 3817 of the Political Code, relating to revenue and taxation. Sims.....	135		
249	An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending Section 3 thereof, relating to the enumeration of the inhabitants of a city or town. Taylor.....	135	1296	1615
250	An Act providing for the abandonment of operations by irrigation districts, and for the disorganization upon the discharge of all outstanding obligations, and for the sale of the property belonging to such irrigation districts for the purpose of discharging any outstanding obligations. Nutt.....	135		
251	An Act to provide for the incorporation of mutual fire insurance companies, and to define their powers and duties. Stratton.....	136		
252	An Act to repeal an Act entitled "An Act authorizing the Controller to appoint an additional clerk in his office in addition to the number now allowed by law, to be known as the Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year"; to create the office of Expert to the Controller, and prescribing his compensation. Maggard.....	136	775	1299
253	An Act to provide for the purchase of additional lands for the Folsom State Prison, and making an appropriation therefor. Langford.....	136		
254	An Act to repeal an Act entitled "An Act to establish a State Lunacy Commission, to provide for the uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties." Langford.....	136		
255	An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes. Jones.....	136		
256	An Act to prevent the use of paranzella, or drag net, in the waters of this State. Feeney.....	147		
257	An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor. Bulla.....	147		
258	An Act authorizing the Board of Trustees of the State Normal School at Chico to construct and furnish an addition to the State Normal School building at said place, and appropriating money therefor. Maggard.....	147		
259	An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor. Trout.....	147		
260	An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of, and making an appropriation to pay, the salaries of the Chief Deputy Clerk, the Deputy Clerks, and the Stenographer of the Clerk of the Supreme Court. Leavitt.....	147		
261	An Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a Chief Deputy Clerk, five Deputy Clerks, and one Stenographer of the Clerk of the Supreme Court. Leavitt.....	147		
262	An Act for the more effectual prevention of cruelty to animals. Bettman.....	147		
263	An Act to amend Section 1895 of the Political Code of the State of California, relating to the persons subject to military duty, and to those who may constitute military organizations, in the military service of the State. Stratton.....	147	1387	

Number	TITLE.	Intro- duced.	Passed Senate	Passed Assembly
264	An Act to prohibit the use of stagnant water in the drinking troughs used by domestic animals, and to prevent the spread of infectious diseases. Ashe.....	147	1126	
265	An Act to amend Section 302 of the Civil Code, relating to the election of directors of corporations. Ashe.....	147	1392	
266	An Act to amend Section 317 of the Civil Code, relating to the validity of the meetings of corporations. Ashe.....	147		
267	An Act to amend Section 3491 of the Political Code of the State of California. Smith.....	148		
268	An Act to add two new sections to the Code of Civil Procedure, said sections to be designated as Sections 1745 and 1746, respectively, relating to the appointment of Public Administrators as guardians of the estates, or the persons and estates, of minors and insane persons. Doty.....	148		
269	An Act to amend Section 1350 of the Code of Civil Procedure of the State of California, relating to executors. Doty.....	148		
270	An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales. Taylor.....	148		
271	An Act making an appropriation to pay the claim of Clement Bennett, for reporting in the case of Southern Pacific Company vs. The Board of Railroad Commissioners of the State of California. Boyce.....	148	1386	1730
272	An Act making an appropriation to pay the claim of the Bulletin for advertising the constitutional amendments for the year 1896. Gillette.....	148	1117	1541
273	An Act to provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds, or more, in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town. Currier.....	148	841	
274	An Act to establish the office of State Fire Marshal of the State of California. Leavitt.....	148		
275	An Act to change and permanently locate the boundary line between the counties of Shasta and Lassen. Laird.....	148		
276	An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct disposition of proceeds." Luchsinger.....	148		
277	An Act to ascertain and pay armory rents, armorers' wages, and other expenses arising out of the mustering in of portions of the National Guard and Naval Militia into the United States Volunteer service, in reorganizing the National Guard, and resulting therefrom, and making an appropriation to pay the same. Dickinson.....	259	361	1300
278	An Act to amend Sections 1797 and 1798 of the Code of Civil Procedure of the State of California, relating to guardians and wards. Simpson.....	260		
279	An Act to regulate the granting of telephone and telegraph, street railroad and electric light, heat, and power and other franchises, by the municipal authorities of incorporated cities, cities and counties, and towns within the State of California, and repealing conflicting Acts. Langford.....	260		
280	An Act appropriating money for the maintenance of the Preston School of Industry for the fifty-first and fifty-second fiscal years, including salaries. Davis.....	260		
281	An Act to amend an Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed, approved March 26, 1895. Davis.....	260		
282	An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir. Davis.....	260	673	1507

Number	TITLE.	Intro- duced	Passed Senate	Passed As'mbly
283	An Act to appropriate money for establishing an ice-making and refrigerating plant at the Preston School of Industry. Davis.....	260	731	1665
284	An Act to appropriate money for the purchase of tools and books for the use of the Preston School of Industry. Davis.....	260	1236	1730
285	An Act to appropriate money for the purchase of lumber and fencing materials for the use of the Preston School of Industry. Davis.....	260		
286	An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies. Pace.....	260		
287	An Act to amend Section 501 of the Civil Code of the State of California, relating to street railroad cars. Boyce.....	260	1380	1738
288	An Act to amend Section 92 of the Civil Code, and to add a new section to said Code, to be known as Section 108 of the Civil Code, relating to grounds of action for divorce. Sims.....	261		
289	An Act to amend Sections 980 and 981 of the Code of Civil Procedure, relating to powers of Superior Courts in cases of appeals from Justices' Courts. Sims.....	261		
290	An Act to amend Sections 853, 854, 857, 896, and 924 of the Code of Civil Procedure, relating to practice in and trials of actions in Justices' Courts. Sims.....	261		
291	An Act to provide for the organization of mutual corporations to transact the business of life, health, and accident insurance on the stipulated premium plan, and the conduct of the business of such corporations, and to repeal an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891. Morehouse.....	261		
292	An Act to amend Section 61 of the Civil Code. Morehouse.....	261		
293	An Act to amend Sections 354, 1489, and 1492 of the Political Code, relating to State Normal Schools. Morehouse.....	261		
294	An Act to amend an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements. Morehouse.....	261		
295	An Act to amend Section 2643 of the Political Code, relating to the duties of the Boards of Supervisors respecting roads. Taylor.....	261		
296	An Act to provide for an investigation by the University of California into the rainfall and water supply of the State, and to make an appropriation therefor. Stratton.....	261		
297	An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Hartley R. Hodgson, N. G. C. Trout.....	261		
298	An Act authorizing the Board of Trustees of the State Library of the State of California to furnish offices in the State Capitol with modern metallic book-cases, platforms, stairways, and such other furniture as may be necessary for the proper transaction of the business of the State Library, and making an appropriation therefor. Flint.....	262		
299	An Act entitled an Act to amend Sections 3571 and 3572 of the Political Code. Wolfe.....	262		
300	An Act to provide for the purchase of land, the purchase of machinery, the construction of a dam and other improvements by the managers of the Napa State Hospital at Napa, and appropriating money therefor. La Rue.....	262	840	1298
301	An Act entitled "An Act to amend Section 3 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,'" approved March 18, 1885. Davis.....	273		

Number	TITLE.	Intro- duced	Passed Senate	Passed As'mbly
302	An Act to create a special fund to be known as the "State Débris Construction Fund," and to transfer from the General Fund to such State Débris Construction Fund the sum of \$250,000. Davis.....	273	1073	
303	An Act relating to the disposition of moneys belonging to deceased inmates of public institutions supported in whole or in part by State aid and under the control of boards appointed by the Governor. La Rue.....	273		
304	An Act to amend an Act entitled "An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the home of the Veterans' Home Association,' approved March 7, 1893, providing for an increase to the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita. La Rue.....	273		
305	An Act to amend Sections 8 and 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," approved March 11, 1897. La Rue.....	274		
306	An Act to prevent Sabbath desecration, and to secure a weekly rest day. Simpson.....	274		
307	An Act entitled an Act amending Section 204 of the Code of Civil Procedure of the State of California, concerning the selecting and returning of jurors. Simpson.....	274		
308	An Act to establish a uniform system of county and township governments. Morehouse.....	274		
309	An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State," as amended by an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State.'" Dwyer.....	274		
310	An Act to amend Section 5 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State; for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever," and to repeal an Act approved March 9, 1885, entitled "An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks"; also, to repeal an Act approved March 15, 1887, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State." Sims.....	274		
311	An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and all amendments thereto. Sims.....	274	1067	
312	An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees. Curtin.....	274		
313	An Act to enable corporations owning property in foreign countries to dispose of the same. Curtin.....	275		
314	An Act to prevent adulteration, fraud, and deception in the manufacture and sale of articles of food; to enlarge the powers of the State Dairy Bureau; to secure its enforcement, and to appropriate money therefor. Dickinson.....	275		
315	An Act for the prevention and eradication of contagious and infectious diseases among domestic animals, to prevent the spread of such diseases, and to quarantine diseased animals or infected districts, and appropriating money for carrying out the provisions of this Act. Maggard.....	275		

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly
316	An Act to prescribe conditions upon which certain foreign insurance corporations, associations, partnerships, or individuals may be permitted to transact casualty insurance business in the State of California. Hall	275		
317	An Act to add a new section to the Penal Code, to be numbered 180, relating to bringing into any State prison, or State reformatory, or within the grounds of such institution, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquors of any kind whatever; or firearms, weapons, or explosives of any kind, for any inmate imprisoned therein, and providing a penalty therefor. Bulla.....	275		
318	An Act appropriating the sum of \$2,345 75 to pay the claim of Messrs. Goodall, Perkins & Co. against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California. Stratton	275	1161	1745
319	An Act authorizing the insurance of all property of the University of California, held for purposes of income, against damages or loss. Stratton.....	275	1253	1730
320	An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation. Cutter	275	834	1506
321	An Act to amend Sections 354, 1489, 1492, 1497, and 1501 of the Political Code, relating to State Normal Schools. Cutter	275		
322	An Act authorizing women to vote at school elections, and defining the qualifications of such voters. Smith.....	276		
323	An Act to appropriate money to pay the Directors of the Deaf, Dumb, and Blind Asylum for the grading and curbing of Warring Street, in front of the lands of the Institute for the Deaf, Dumb, and Blind, of Berkeley, California, which work was performed and materials furnished under a contract with Guy H. Chick, Superintendent of Streets of the Town of Berkeley, California, his authority having been acquired under the general street law of this State. Taylor	276		
324	An Act appropriating \$10,000 to pay the claim of Addie McGinness. Curtin	276	834	1328
325	An Act to provide for the erection of buildings and certain improvements for the University of California and its affiliated colleges. Stratton	276	1317	1730
326	An Act to amend the title of an Act entitled "An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund, to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled 'An Act to appropriate money to reimburse the University of California for money heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds from January 1 to July 1, 1893," approved March 3, 1893; to amend Section 4 of the same Act, and to appropriate the sum of \$16,747 50 now in the University Fund and unavailable. Stratton	276	762	995
327	An Act providing for liens upon horses and other animals for the cost of shoeing the same. Shortridge	285	1005	
328	An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and an Act amendatory thereof, approved March 9, 1897. Simpson.....	285		
329	An Act to amend Section 2756 of the Civil Code, relating to the measure of indemnity in a fire insurance policy. Maggard	286		
330	An Act authorizing and directing the State Controller and State Treasurer to transfer from the General Fund to the Oakland Harbor Improvement Fund the sum of \$250,000. Leavitt	286	1169	1565
331	An Act creating a Bureau of Child Study, fixing its duties, and providing for permissive physical examinations by Boards of School Trustees and City Boards of Education, and a discretionary classification of pupils in accordance therewith. Boyce	286		
332	An Act to regulate the transportation of perishable fruit, goods, or merchandise, by express or transfer companies. Hall	286		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
333	An Act to amend Section 1857 of the Political Code, relating to public schools. Hall	286		
334	An Act to provide for the assessment, levy, and collection of an income tax. Braunhart	286	1405	
335	An Act providing for special funds for the payment of teachers' salaries in the school districts of this State, and defining the duties of School Trustees, Boards of Education, Auditors, and Treasurers in relation thereto. Rowell	286		
336	An Act to amend Section 592 of the Penal Code of the State of California. Bulla	294	1008	1508
337	An Act to add a new section to the Penal Code of the State of California, to be known as Section 593. Bulla	294	1449	1534
338	An Act for the protection and propagation of shrimps. Hall	294		
339	An Act to provide for the operation of railroads in certain cases. Langford	294		
340	An Act to repeal an Act entitled "An Act to create a Department of Highways of the State of California, to define its duties and powers, and to provide for the appointment of employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897. Langford	294		
341	An Act providing for the creation of a State Board of Public Works for the State of California, and to define the duties of the same. Langford	294		
342	An Act to amend Section 1033 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service and affidavit of bill of costs, and motion to retax same. Wolfe	295		
343	An Act creating a Board of State Charities and prescribing its duties and powers. Dwyer	295		
344	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 1204, 1211, and 1260 thereof, relating to elections. Sims	295		
345	An Act to amend Sections 245, 246, and 268 of the Political Code, relating to officers and employes of the Legislature. Cutter	300	301	332
346	An Act to amend Section 578 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the directors and officers of savings and loan corporations. Davis	303		
347	An Act authorizing the Secretary of State to furnish his office, and the vault connected therewith, and making an appropriation therefor. Laird	303		
348	An Act to provide for the construction of a free wagon road from Tallac to McKinney's, along the western shore of Lake Tahoe, and making an appropriation therefor. Chapman	303		
349	An Act to amend the Political Code of the State of California, relating to the National Guard. Dickinson	303	1197	1723
350	An Act prohibiting officers and employes of State institutions visiting or being at Sacramento during the session of the Legislature, unless required by the Governor, by the Legislature, or either house thereof, or by a committee of the Legislature, and for the betterment of the public service. Dickinson	304		
351	An Act to repay and reimburse John C. Pelton for money expended, and for services employed in establishing the first free public school in the State of California, and providing an appropriation therefor. Dickinson	304		
352	An Act to amend Section 296 of the Civil Code of the State of California, relating to the filing of articles of incorporation with the County Clerk and Secretary of State, and the issuance of certificate, and the effect of such certificate. Dickinson	304		
353	An Act to pay the claim of August Zimmermann against the State of California, and making an appropriation therefor. Doty	304		
354	An Act to amend Section 1 of "An Act to authorize State agricultural societies under the control of the State to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor: to indemnify purchasers at such sale, and to direct how the proceeds shall be applied," approved February 25, 1897, and to add two new sections thereto. Doty	304	834	1132

Number	TITLE.	Intro- duced.	Passed Senate.	Passed As mby
355	An Act making an appropriation to pay for the cleaning of the outer surface of the granite composing the lower story of the State Capitol at Sacramento, and requiring that such work be done under the direction of the Secretary of State. Doty.....	304		
356	An Act to amend Section 1383 of the Code of Civil Procedure of the State of California, relating to letters of administration. Burnett.....	304		
357	An Act to amend Sections 628 and 630 of an Act of the Legislature of the State of California, entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations. Hall.....	304		
358	An Act to create a commission for the purpose of examining, testing, and investigating voting machines, and reporting to the Legislature at its thirty-fourth session the result of such investigation, and making an appropriation for the expenses of such commission. Stratton.....	304	1080	1550
359	An Act to regulate the practice of architecture. Luchsinger.....	305	1078	
360	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the letting of contracts for the lighting of streets and public buildings in cities and towns in the State of California,' approved March 26, 1895," amended March 27, 1897. Maggard.....	305	1204	1653
361	An Act relative to the meeting place of high school boards within municipal corporations. Taylor.....	305		
362	An Act to establish a camp of instruction for the National Guard of the State of California, and to authorize the acquisition by donation of a site for the same. Trout.....	305	840	1109
363	An Act to amend Section 2022 of the Political Code of California. Trout.....	305	1055	1511
364	An Act to amend Section 3 of an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897. Cutter.....	305		
365	An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State. Cutter.....	305		
366	An Act to amend Section 3164 of the Civil Code of the State of California, relating to the extinction of negotiable instruments. Rowell.....	305		
367	An Act to amend Section 3617 of the Political Code of the State of California, relating to revenue, the assessment of property, and the definition of terms in relation thereto. Rowell.....	305	1161	
368	An Act to ascertain and express the will of the people of the State of California upon the question, upon the subject of an amendment to the Constitution of the United States, providing for the election of Senators in Congress by direct vote of the people. Braunhart.....	305		
369	An Act to amend Section 1880 of the Political Code of the State of California, relating to the issue of bonds of school districts. Flint.....	305	732	995
370	An Act to create the office of Expert for the State of California. Flint.....	305		
371	An Act to reorganize the State Board of Health, and to grant it additional powers. Flint.....	306		
372	An Act to amend Section 2 of an Act entitled "An Act to repeal Chapter II of Title VI, Part III, of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II of Title VI of Part III of said Code, and substitute the same in the place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883, relating to roads and highways. Doty.....	306		
373	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as and numbered Section 2664, relating to highway taxes. Doty.....	306		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
374	An Act to amend Section 2653 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to highway taxes. Doty.....	306		
375	An Act relative to and limiting the hours of service on railroads, and providing legal sanction. Taylor.....	315		
376	An Act to amend Section 1705 of the Code of Civil Procedure, relating to the publication of probate notices and orders. Taylor.....	315		
377	An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872. Ashe.....	316		
378	An Act adding a new section to the Political Code of the State of California, to be numbered 2921, authorizing the granting by Boards of Supervisors and by the municipal authorities of cities and towns to railroad corporations of franchises for the construction of wharves and piers for terminal purposes of such railroad corporations, when found necessary, without offering the same for sale; excepting from the operation of this Act any property under the jurisdiction or control of any Board of State Harbor Commissioners. Stratton.....	316		
379	An Act to promote the purity of primary elections, and to punish offenses thereat. Stratton.....	316	516	797
380	An Act concerning a Veteran Volunteer Fireman's Association of California, and to provide for its management and control, and to appropriate money for its support, and relating to the enrollment, formation into fire companies, and services as firemen of such veteran volunteer firemen. Luchsinger.....	316		
381	An Act regulating the use of the label of the International Typographical Union of North America upon printed matter furnished by the State of California. Leavitt.....	316		
382	An Act to amend Section 197 of the Penal Code. Morehouse....	316		
383	An Act to provide for the construction of a building for library purposes and additional class-rooms at the State Normal School at San José, and to provide for furnishing equipment and heating and ventilation apparatus therefor, and making an appropriation for the same. Morehouse.....	316		
384	An Act to amend an Act entitled "An Act to establish a Political Code," by adding a new section thereto, to be known and numbered as Section 3524, relating to land patents. Dickinson.....	316		
385	An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance of horses, except within the race-track enclosure or fair grounds wherein such trial or contest shall be had and occur, and to provide a punishment therefor. Dickinson.....	316		
386	An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872, and of all Acts amendatory thereof and supplementary thereto, relating to undertakings in actions of libel. Dickinson.....	317		
387	An Act to create and regulate in any city or city and county in this State public warehouses. Wolfe.....	317		
388	An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks. Wolfe.....	317		
389	An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895. Curtin....	317		
390	An Act to amend Section 2440 of the Political Code of the State of California, approved March 12, 1872, relating to the appointment of Pilot Commissioners for San Francisco, Mare Island, and Benicia. Leavitt.....	333		
391	An Act to amend Section 1365 of the Code of Civil Procedure. Simpson.....	333		
392	An Act to amend Section 487 of the Penal Code. Simpson.....	333		
393	An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape and what constitutes the same. Simpson.....	333		
394	An Act to amend the Penal Code by adding a section thereto, to be numbered 623½, relating to the detention of books and other property belonging to any public or incorporated library, reading-room, museum, or other educational institution. Trout.....	333		

Number	TITLE.	Intro- duced.	Passed Senate	Passed Asm'ly
395	An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit. Trout	333		
396	An Act making an appropriation to pay the claim of D. E. O'Keefe, for publishing summons in foreclosing interest of delinquent purchasers of State school lands. Trout	333	1432	
397	An Act to amend Section 1579 of the School Law of California. Trout	333		
398	An Act to amend Section 5 of an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan; and the conduct of the business of such insurance," approved March 19, 1891. Cutter	333		
399	An Act adding a new section to the Civil Code of the State of California, to be known as Section 1314. Morehouse	333		
400	An Act relating to electric light, telephone, telegraph, and messenger-box telegraph corporations. Hall	333		
401	An Act to amend Section 3818 of the Political Code, said section relating to public lands, and revenue and taxation. Sims	334		
402	An Act authorizing the Superintendent of Public Instruction to purchase necessary metallic filing and book cases, and to refurnish and repair his office, and making an appropriation therefor. Rowell	334	1430	1729
403	An Act amending the Civil Code of the State of California, adding thereto three new sections, to be numbered 494, 495, and 496, etc. Braunhart	346		
404	An Act to amend Section 472, and to repeal Section 3857, both of the Political Code of California, relating to the Attorney-General. Dickinson	346		
405	An Act to repeal Section 3640 of the Political Code of the State of California, relating to the field enrollment book of Assessors. Dickinson	346		
406	An Act for the relief of Mrs. Emma Kelly, and to appropriate money therefor. Leavitt	346		
407	An Act to establish a State Board of Charities and Corrections, prescribing its duties, and appropriating money therefor. Luchsinger	346		
408	An Act to amend Section 3 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885. Taylor	346	841	
409	An Act to prohibit the issuance or use of trading stamps. Wolfe	359		
410	An Act to amend an Act entitled "An Act to provide for furnishing assistants to the coroner of each city, or city and county having 100,000 or more inhabitants, and providing the mode in which such assistants shall be appointed and designated, and establishing the compensation and prescribing the duties of such assistants," approved March 23, 1893. Wolfe	359		
411	An Act to amend Section 1857 of the Political Code, relating to public schools. Hall	359		
412	An Act to amend Section 1413 of the Code of Civil Procedure of the State of California, relating to appointment of special administrators of the estates of deceased persons. Burnett	359		
413	An Act to regulate the purchase, sale, and transfer of stocks of goods, wares, and merchandise in bulk. Doty	359		
414	An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution. Taylor	359	814	
415	An Act making an appropriation for improving, enlarging, and equipping the State Fish Hatcheries at Sisson and Price Creek. Luchsinger	359		
416	An Act to amend Sections 5 and 6 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897. Maggard	359		

Number	TITLE.	Intro-duced	Passed Senate	Passed Assembly
417	An Act to pay the claim of Gaston Goldsmith against the State of California, and making an appropriation therefor. Bettman.....	359		
418	An Act to add a new section to the Political Code, to be known as Section 1890, relating to fire-escapes on school buildings. Braunhart.....	359		
419	An Act to amend Sections 330, 331, and 337 of the Penal Code. Braunhart.....	360		
420	An Act requiring the payment into the State Treasury of all moneys belonging to the State, etc. Dickinson.....	372		
421	An Act to amend Section 1195 of the Political Code. Davis.....	373	612	876
422	An Act appropriating money for the repair and improvement of the building and grounds at the Industrial Home of Mechanical Trades for the Adult Blind. Stratton.....	373	1336	1742
423	An Act providing for the organization of a league of California municipalities. Taylor.....	373		
424	An Act to amend Section 9 of an Act entitled "An Act creating a Board of Commissioners of the Building and Loan Associations," etc. Taylor.....	373		
425	An Act to amend Section 20 of an Act entitled "An Act creating a Board of Commissioners of the Building and Loan Associations," etc. Taylor.....	373		
426	An Act to amend Sections 2520 and 2552 of the Political Code, relating to the Board of State Harbor Commissioners. Dickinson.....	384		
427	An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, and the Act amendatory thereof, approved April 1, 1897. Bulla.....	384	1104	
428	An Act to regulate and improve the civil service of the State of California, and to appropriate money therefor. Bulla.....	384		
429	An Act to amend Section 1870 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Bulla.....	384		
430	An Act to add a new article to Chapter III, Part III, Title I, of the Political Code of the State of California, to be designated Article XX, relating to the compensation and traveling expenses of civil executive officers, employes, and agents of the State. Langford.....	384		
431	An Act to prohibit the sale of water gas for illuminating purposes, and to prohibit the forcing of air in and through mains and pipes used for supplying illuminating gas, and making a penalty therefor. Feeney.....	384		
432	An Act to regulate the use of meters used for the purpose of measuring water by persons or corporations distributing the same for sale. Feeney.....	384		
433	An Act to amend Section 629 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations. Feeney.....	385		
434	An Act appropriating the sum of \$5,000 for concrete work, tiling, and resetting steam pipes and heaters on the second floor of the State Capitol. Burnett.....	385	1260	1724
435	An Act to amend Sections 4 and 6 of an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act." Chapman.....	385		
436	An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the waterfront of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897. Doty.....	385		
437	An Act making an appropriation to pay for the support of the Southern California State Hospital for the fifty-first and fifty-second fiscal years. Jones.....	385		
438	An Act to amend Section 1585 of the Code of Civil Procedure of the State of California, relating to the administration and disposition of the assets of a deceased copartner. Gillette.....	385	1073	1662
439	An Act to amend Section 726 of the Code of Civil Procedure, relating to foreclosure of mortgages. Taylor.....	385		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
440	An Act to repeal the whole of Title XV of Part IV of Division III of the Civil Code of the State of California, embracing Sections 3086 to 3262 of said Code, both inclusive, relating to negotiable instruments, and enacting in place thereof a new title, to be known as Title XV of Part IV of Division III of the Civil Code of the State of California, with new provisions in relation to negotiable instruments. Stratton.....	385	918	1328
441	An Act to amend Section 416 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the fees to be collected by the Secretary of State for services rendered by him in his official capacity. Morehouse.....	385		
442	An Act to amend Section 949 of the Code of Civil Procedure, relating to what cases wherein an appeal stays proceedings. Morehouse.....	385	1071	1431 1628
443	An Act to add three new sections, to be known as Sections 635, 636, and 637, to an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the execution of bonds to secure the payment of taxes by the insurance companies not incorporated under the laws of said State, and doing business in said State, which payment would be in lieu of all other taxes or licenses imposed upon them or their agents by this State, or by any county, or city and county, or municipality therein situated, except such taxes as may be levied against its real and personal property. Boyce.....	385		
444	An Act in relation to municipal elections, where the same are held separate from general State elections and elections held under the authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote on proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897. Stratton.....	400	835	1109
445	An Act making an appropriation to pay for concrete floor in basement of the State Capitol, and for ventilating said basement, and requiring that the work be done under the direction of the Secretary of State. Feeney.....	400	1433	
446	An Act to provide a system of drainage for agricultural swamp and overflowed lands. Jones.....	401	762	
447	An Act to repeal an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897. Jones.....	401		
448	An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property. Jones.....	401		
449	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 170 thereof, relating to the disqualification of Judges of the Superior Court of the State of California to sit or act on the trial or hearing of certain actions or proceedings. Pace.....	401		
450	An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878. Burnett.....	401	1206	1653
451	An Act to provide for the formation of new counties, and the appointment and election of officers, the location of county seats thereof, and the adjustment and fulfillment of certain rights and obligations arising between such new formed counties and the county or counties from which they are formed. Trout.....	401		
452	An Act to pay the claim of Louis Gerlach against the State of California, and making an appropriation therefor. Langford..	401		
453	An Act to amend an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897. Smith.....	411	1252	1651

Number	TITLE.	Intro- duced	Passed Senate	Passed As'mbly
454	An Act to amend Section 1970 of the Civil Code of the State of California, relating to the obligations of the employer. Ashe..	411		
455	An Act making an appropriation to pay the claim of D. L. Blanchard for supplying provisions to a company of United States cavalry known as Captain Ramon Pico's company, during the War of the Rebellion, for \$1,587. Shortridge.....	411		
456	An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled an Act to provide for Police Courts in cities having 30,000 and under 100,000 inhabitants, and to provide for officers thereof," approved March 18, 1885, and "to provide for clerks of Police Courts in cities of 26,000 and under 50,000 inhabitants," approved March 31, 1891, so that the same shall conform to the Act providing for the classification of municipal corporations. Bulla.....	411		
457	An Act to amend Section 6 of an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act to amend an Act entitled 'An Act to provide for Police Courts in cities having 30,000 and under 100,000 inhabitants, and to provide for officers thereof,' approved March 18, 1885, 'and to provide for clerks of Police Courts in cities of 26,000 and under 50,000 inhabitants,' approved March 31, 1891, 'and to provide clerks of Police Courts in cities having a population of more than 30,000 and not exceeding 100,000 inhabitants,' approved March 26, 1895, so that the same shall conform to the Act providing for the classification of municipal corporations. Bulla.....	412		
458	An Act to protect the health of consumers, and making appropriation therefor. Langford.....	412		
459	An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General, for the fiftieth fiscal year. Dickinson.....	412	1886	1738
460	An Act to amend Section 3294 of the Civil Code, relating to exemplary damages. Braunhart.....	412		
461	An Act authorizing the Governor and the Attorney-General to purchase for the State of California certain lands in Humboldt Bay, and making an appropriation therefor. Gillette....	412	732	1471
462	An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor. Smith.....	414		
463	An Act to amend Section 1170 of the Penal Code of California. Smith.....	415		
464	An Act relating to permissive physical examinations by boards of school trustees and city boards of education, and providing for a bureau of child study. Boyce.....	415	1105	
465	An Act to pay the claim of William Henry Murray against the State of California, and appropriating money therefor. Langford.....	415		
466	An Act regarding organizations, officers, and members of the National Guard who entered the United States Volunteer service during the year 1898, their privileges and exemptions. Dickinson.....	415		
467	An Act authorizing the Attorney-General to appoint a competent person to compile and index the opinions of the Attorneys-General of the State of California, and making an appropriation for the payment of such compilation and indexing. Davis.....	431		
468	An Act providing for the construction of a State highway or free wagon road from Mount Hamilton Observatory, in Santa Clara County, to the San Joaquin River, in Stanislaus County, to connect with the most desirable public road leading to the Yosemite Valley; providing for the appointment of a Board of Commissioners, and authorizing and directing said Board of Commissioners to perform certain duties relating to the construction of such highway, and to condemn land and property for the purposes aforesaid, and making an appropriation for the expenditures and purposes provided in this Act. Morehouse.....	431		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
469	An Act to authorize the Board of Managers of the Stockton State Hospital at Stockton to purchase lands for farm and dairy purposes for the use of the Stockton State Hospital at Stockton, under control of said Board of Managers, and to construct necessary farm buildings and fencing thereon, and such other improvements as may be necessary for said purposes, and to purchase live stock, farming utensils, and other personal property necessary therefor, and appropriating money therefor. Langford	432		
470	An Act making an appropriation of \$5,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk and suitable fencing along California and Park Streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital. Langford	432		
471	An Act to amend Section 2021 of the Code of Civil Procedure, relating to the manner of taking depositions within this State. Braumbart	432		
472	An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a reformatory for the confinement and reformation of prison convicts; to select and secure a site, and submit sketch plans and specifications therefor, to investigate and report upon the feasibility of the sale of the property belonging to the State at San Quentin, and of segregating the prisoners into classes, looking to the confinement of incorrigibles at Folsom prison; to enlarge said prison for that purpose, and to the confinement of those capable of reformation at such reformatory when established, and to make an appropriation for such purposes. Jones	432		
473	An Act to provide for redeeming property sold to the State for delinquent taxes for years prior to 1893, and for the payment of delinquent taxes for such years, and providing for deeds to be issued upon all property sold to the State for such years, which has not been redeemed; and authorizing suit to be brought for enforcing the lien for delinquent taxes for such years, and requiring individual purchasers to procure tax deeds or relinquish their right to property purchased at tax sales, and providing that the Act shall apply to cities. Nutt	432		
474	An Act to amend "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State." Trout	432		
475	An Act to pay the claim of the Liverpool and London and Globe Insurance Company against the State of California, and making an appropriation therefor. Dickinson	432		
476	An Act to regulate the width of tires of wagons to be used on the public highways of the State of California. Laird	441		
477	An Act to regulate the practice of osteopathy in the State of California, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act. Morehouse	441		
478	An Act to amend Section 348 of the Code of Civil Procedure of the State of California, relative to the limitation in which certain actions can be brought. Langford	442		
479	An Act to pay the claim of Frank D. Cobb against the State of California, and making an appropriation therefor. Langford	442		
480	An Act to amend Section 838 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to transfers of actions from the Justice's Court to the Superior Court. Langford	442		
481	An Act to provide for the purchase of new carpets, draperies, and furniture for the Senate and Assembly chambers, and making an appropriation therefor. Feeney	442		
482	An Act authorizing the Secretary of State to bore a well, furnish and set stand pipes, tanks, filter, and lay pipes in the Capitol grounds. Feeney	442		
483	An Act making an appropriation to pay the claim of the Office Specialty Manufacturing Company, for metallic furniture furnished the office of the Clerk of the Supreme Court at Sacramento. Smith	442		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
484	An Act to amend Section 3881 of the Political Code. Leavitt ...	442		
485	An Act in relation to the selection of appraisers to determine the loss under fire insurance policies. Hall.	442		
486	An Act to add a new section to the Penal Code, to be known as Section 526, protecting insurance policy holders and defining their rights in cases of total loss. Hall.	442		
487	An Act to add a new section to the Penal Code of the State of California, said section to be designated as Section 653½, relating to the fees charged by employment agencies. Ashe...	457	953	1509
488	An Act to promote the reclamation, cultivation, and settlement of desert lands conditionally granted to the State of California by the Congress of the United States. Cutter.	457	1393	
489	An Act to locate and permanently establish the boundary line between the counties of Yolo and Solano. Cutter.	457		
490	An Act to amend Section 3805 of the Political Code, relating to the cancellation of certificates of sale of lands sold to the State for delinquent State and county taxes. Gillette.	462		
491	An Act to amend Subdivisions 9 and 18 of Section 433 of the Political Code, relating to the duties of Controller. Jones...	462	1195	
492	An Act to amend the Civil Code of California by adding two new sections thereto, numbered 3245 and 3246, relating to damages in action for libel. Shortridge.	462		
493	An Act to provide for sweeping, cleaning, and sprinkling streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities. Cutter.	462	1074	
494	An Act authorizing the Boards of Supervisors of all counties in this State to refund the indebtedness of said counties, to issue bonds therefor, and to provide for the payment of the same. Sims.	472		
495	An Act to amend Section 1395 of the Code of Civil Procedure. Davis.	472		
496	An Act for the relief of Hugo Duveneck, executor of the last will of Sigmund M. Tannhauser, deceased, for moneys paid, through error, by him as a tax on certain collateral bequests provided for in said will. Stratton.	472		
497	An Act to provide special quarters in county, city and county, and city jails, or police stations, for juvenile prisoners. Morehouse.	473		
498	An Act to amend Sections 2094 and 2097 of Chapter III, Title VI, of the Code of Civil Procedure, and also to add a new section thereto, to be known as Section 2098. Simpson.	473		
499	An Act entitled an Act to prohibit the manufacture, or sale, or operation of any mechanical device or machine known as a slot machine, within the State of California. Simpson.	473		
500	An Act to pay the claim of Edwin J. Card against the State of California, and to appropriate money therefor. Simpson.	473	1431	
501	An Act authorizing the location and sale of mining claims upon public lands of the State. Gillette.	473		
502	An Act to create a Police Court in and for the City and County of San Francisco, State of California. Ashe.	481		
503	An Act to amend Section 2955 of the Civil Code, relating to mortgages of personal property. Ashe.	481		
504	An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California. Maggard.	481	1433	
505	An Act to amend Sections 1 and 2 of an Act entitled "An Act entitled an Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, relating to the classification of counties into agricultural districts. Langford.	482		
506	An Act to amend Section 290 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to articles of incorporation. Bettman.	487		
507	An Act to repeal an Act providing for the election or appointment of a separate Judge of the Superior Court for each of the counties of Yuba and Sutter, and fixing and providing for the payment of the salary of each of such Judges, approved March 2, 1897. Cutter.	487		
508	An Act to amend Section 553 of the Code of Civil Procedure. Cutter.	487		

Number	TITLE.	Intro- duced.	Passed Senate	Passed Assembly
509	An Act to amend Section 339 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced. Laird	487		
510	An Act to amend Section 337 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced. Laird	487		
511	An Act to regulate telephone charges in the State of California, and to empower certain State officers to revise and regulate the same. Wolfe	501		
512	An Act to provide for the government of State Normal Schools in this State. Boyce	501		
513	An Act to amend Sections 1503, 1663, 1770, 1771, 1772, 1775, and 1858 of the Political Code, and to add a new section thereto, to be known as Section 1523, relating to the public schools. Boyce	501		
514	An Act to prevent the propagation of disease through contamination of the atmosphere by gases or fumes arising from crematories for the disposition of garbage, ashes, offal, and other refuse matter, and to prescribe penalties. Hall	501		
515	An Act to provide for the organization and management of live stock insurance companies. Taylor	505	1056	
516	An Act to amend Sections 1726 and 1732 of the Code of Civil Procedure of the State of California, relating to the duties of Public Administrator. Taylor	505	1380	
517	An Act to amend Section 876 of "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Currier	505		
518	An Act to regulate the business of commission merchants, agents, factors, or brokers dealing in farm produce, poultry, grain, fruit, seeds, honey, or dairy products. Cutter	505		
519	An Act to provide for the construction of a public highway or wagon road from Sacramento City to the State Prison at Folsom, in the County of Sacramento, and making an appropriation for the purchase of crushed rock for macadamizing, and granite or stone blocks for drains, culverts, and bridges for the same. Doty	505		
520	An Act to compel corporations, persons, and associations, furnishing water for domestic purposes to the inhabitants of any city or town, to furnish filters at its, and his, own expense upon demand of a consumer and rate-payer, upon complaint that such water is, by reason of impurity, unfit for use; and to permit a consumer and rate-payer, in case of refusal by the corporation, person, or association, to furnish the same and deduct the cost from any sum due the corporation, person, or association for water furnished, or from any sum which thereafter may become due for water furnished. Ashe	514		
521	An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation. Curtin	515		
522	An Act to provide for the advertising of the constitutional amendments, and to make an appropriation therefor. Curtin	515	1195	1655
523	An Act to amend an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, county and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, by repealing Section 11½ thereof, relating to contracts for the sale, rental, and distribution of water, and the sale or rental of easements and servitudes of the right to the flow and use of water, approved March 2, 1897. Curtin	515		
524	An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein. Currier	515	1205	1517

Number	TITLE.	Intro- duced	Passed Senate	Passed As'mbly
525	An Act to amend Sections 649, 658, 659, 660, 661, 950, 952, 953, and 957 of the Code of Civil Procedure, concerning the settlement of bills of exceptions, new trials, and appeals. Davis.....	515		
526	An Act for the relief of George O. Duncan, Captain of Company C, Sixth Infantry Regiment, Third Brigade, National Guard of the State of California, for injuries received by him while in the performance of his duties as such Captain, under orders of his superior officer, and appropriating money therefor. Rowell.....	515		
527	An Act to add a new section to the Penal Code of this State, relating to the preservation of game. Pace.....	515		
528	An Act to add a new section to the Political Code, to be known as Section 1890. Pace.....	515		
529	An Act making an appropriation to pay the claim of John J. Snyder, for costs of suit in foreclosing delinquent purchases of State school lands. Davis.....	528		
530	An Act to add a new section to the Penal Code of the State of California, to be known as Section 258, relating to libel. Morehouse.....	528	1161	1589
531	An Act to amend Section 592 of the Code of Civil Procedure, relating to trials by jury. Ashe.....	539		
532	An Act to amend Section 170 of the Code of Civil Procedure, relating to disqualification of Judges. Curtin.....	539		
533	An Act to prohibit trespassing upon locomotive engines, freight or passenger cars or trains, and to provide a punishment therefor. Jones.....	539		
534	An Act to enable cities of the third class to issue fiscal year bonds, for the purpose of providing money for the payment of municipal expenses before the collection of taxes. Taylor.....	539		
535	An Act to enable railroad companies to complete their railroads, and authorizing construction of railroads. Trout.....	545		
536	An Act to add a new section to the Political Code of the State of California, to be numbered 1118, relating to registration. Stratton.....	545	840	1300
537	An Act to amend an Act to establish a uniform system of county and township governments, approved April 1, 1897, by adding a new section thereto, to be numbered Section 19½, giving authority to the Boards of Supervisors with reference to registration. Stratton.....	545		
538	An Act for the protection and propagation of pheasants. Luchsinger.....	546		
539	An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," as approved March 30, 1878, and as amended by an Act approved March 10, 1887, and again amended by an Act approved March 26, 1895. Simpson.....	546		
540	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for Police Courts in cities of 30,000 and under 100,000 inhabitants, and to provide for officers thereof,' approved March 18, 1885, and to provide for clerks of Police Courts in cities of 26,000 and under 50,000 inhabitants," approved March 31, 1891, by inserting a new section, to be numbered 6½, providing for prosecuting attorneys of Police Courts in cities having more than 30,000 and not exceeding 200,000 inhabitants, and prescribing the duties and regulating the compensation of such prosecuting attorneys. Leavitt.....	546		
541	An Act providing for prosecuting attorneys for Police Courts in cities of more than 30,000 and not exceeding 200,000 inhabitants, and prescribing the duties and regulating the compensation of such prosecuting attorneys. Leavitt.....	546		
542	An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California. Smith.....	546		
543	An Act to amend Section 2587 of the Civil Code of the State of California, relative to the contents of an insurance policy. La Rue.....	546		
544	An Act entitled "An Act to create the office of State Game Warden, to provide for his appointment, term of office, and to prescribe his powers and duties, and to make an appropriation therefor; and to prescribe the punishment for a violation of the game laws of this State." Doty.....	557		

Number	TITLE.	Intro-duced	Passed Senate	Passed Assembly
545	An Act authorizing the appropriation of moneys by the several counties, and cities and counties, and the municipal corporations for the purpose of advancing and maintaining their respective interests by exhibit of products and otherwise at the Pacific Ocean and International Exposition. Wolfe	557		
546	An Act appropriating money to pay the expenses of maintaining an exposition to be held in the City and County of San Francisco in 1901, to be known as the Pacific Ocean and International Exposition, and to provide commissioners therefor. Wolfe	558		
547	An Act making an appropriation to pay the claim of J. E. Edson. Morehouse	558		
548	An Act to amend Section 857 of the Civil Code of the State of California, relating to the creation of express trusts. Morehouse	558		
549	An Act to amend Section 1313 of the Civil Code, relating to charitable bequests and devises. Morehouse	558		
550	An Act authorizing and directing refund to parties, their attorneys, their heirs and assigns, of unconsumed portions of money deposited as security for costs in actions and proceedings in the District Courts and Superior Courts of this State, under an Act approved March 5, 1870. Currier	558		
551	An Act making an appropriation for the contingent expenses of the Senate for the thirty-third session of the Legislature. Dickinson	558	611	747
552	An Act to appropriate the sum of \$25,000 to pay the claim of Claus Spreckels for money due and owing to the said Claus Spreckels from the State of California. Dickinson	558		
553	An Act to amend Section 305 of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, relating to corporations. Bettman	558		
554	An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property. Flint	558	1074	1510
555	An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Sections 852, 862, 874, and 875 thereof. Currier	558		
556	An Act to authorize counties, cities and counties, cities, or towns to pay the fees and compensations provided by law to be paid to any officer or person charged with the duty of performing such services, when the same have been performed, and compensation by misconstruction or mistake of law, without such claimant's fault, has been denied him. Morehouse	558		
557	An Act to amend an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897, by amending Section 5 thereof. Laird	559		
558	An Act making an appropriation to pay the claim of the Daily Morning Union for advertising constitutional amendments. Smith	572	1119	1541
559	An Act making an appropriation to pay the claim of the Sierra Valley Record for advertising constitutional amendments. Prisk	572	1120	1542
560	An Act making an appropriation to pay the claim of the National Bulletin for advertising constitutional amendments. Prisk	572	1120	1541
561	An Act making an appropriation to pay the claim of the Mountain Messenger for advertising constitutional amendments. Prisk	572		
562	An Act making an appropriation to pay the claim of the Daily Transcript for advertising constitutional amendments. Prisk	572	1170	1649
563	An Act to amend Section 623 of the Penal Code, relative to injuring or destroying works of literature, art, mechanics, or objects of curiosity deposited in any public library, gallery, museum, collection, fair, or exhibition, and punishment therefor. Ashe	572		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
564	An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils. Currier.....	572		
565	An Act to appropriate the sum of \$575 to pay the claim of James H. Barry for money due and owing to the said James H. Barry from the State of California. Braunhart	572		
566	An Act to create a State Board of Control and to provide for the management and control of the charitable, reformatory, and penal institutions of the State, other than State prisons, and to provide for supervisory powers over said State institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor. Boyce..	572		
567	An Act making an appropriation to pay the claim of the Tribune Publishing Company for advertising the constitutional amendments. Leavitt	588	1132	1548
568	An Act making an appropriation to pay the claim of James McClatchy & Co., publishers of the Evening Bee, for advertising the constitutional amendments. Doty	588		
569	An Act to regulate the business of firms, persons, or corporations engaged in the business of furnishing gas to consumers for lighting and heating purposes. Simpson	588		
570	An Act making an appropriation to pay the claim of the Press-Democrat for publishing the proposed constitutional amendments. Sims	588	1133	1548
571	An Act to amend Title III, Part IV, of the Political Code, relating to municipal corporations. Bulla	588		
572	An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874, extending the time during which the Board of Directors may sit as a Board of Equalization. Cutter	588		
573	An Act making an appropriation to pay the claim of the Sun for advertising constitutional amendments. Cutter.....	588	1133	1549
574	An Act making an appropriation to pay the claim of the Record for advertising constitutional amendments. Cutter.....	588	1134	1549
575	An Act making an appropriation to pay the claim of the Report for advertising constitutional amendments. Cutter.....	588	1134	1549
576	An Act making an appropriation to pay the claim of A. W. Voorsanger, publisher of the Emanu-El, for advertising the constitutional amendments. Wolfe	588	1135	1549
577	An Act making an appropriation to pay the claim of the Crescent City News for advertising constitutional amendments. Gillette.....	588		
578	An Act making an appropriation to pay the claim of the Sacramento Publishing Co., publishers of the Record-Union, for advertising the constitutional amendments. Doty.....	589	1135	1545
579	An Act to amend Section 225 of the Code of Civil Procedure of the State of California, relating to the summoning of grand and trial jurors for courts of record. Prisk	589		
580	An Act to amend Sections 1915, 1917, and 1920 of the Civil Code, relating to legal rate of interest. Morehouse	589		
581	An Act fixing the fee to be charged by any County Recorder in any county, etc. Nutt.....	589		
582	An Act making an appropriation to pay the claim of J. L. Phelps & Co., publishers of the Stockton Daily Independent, for advertising constitutional amendments. Shortridge	589	1136	1546
583	An Act making an appropriation to pay the claim of Colnon & Nunan, publishers of the Stockton Mail, for advertising constitutional amendments. Shortridge	589	1136	1546
584	An Act making an appropriation to pay the claim of the San Francisco Chronicle for advertising the constitutional amendments for the year 1898. Cutter.....	589	1137	1546
585	An Act to enable cities of the third class to issue fiscal year bonds for the purpose of providing money for the payment of municipal expenses before the collection of taxes. Leavitt ..	589		
586	An Act to add a new section to the Penal Code, said section to be designated as Section 625½, relating to oil pipe-lines. Rowell	589		

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asmblly
587	An Act to amend Section 2065 of the Political Code of California, relating to the National Guard and United States volunteers therefrom. Bulla.....	608		
588	An Act to amend Section 647 of the Penal Code of California, relating to vagrants. Dickinson.....	608		
589	An Act to amend Section 667 of the Penal Code of the State of California, relating to second offenses after conviction of former offenses. Dickinson.....	608		
590	An Act to amend Section 1111 of the Penal Code of California, relating to the testimony of accomplices. Dickinson.....	608		
591	An Act making an appropriation to pay the claim of the Marin County Tocsin for advertising the constitutional amendments for the year 1898. Dickinson.....	609	1169	1649
592	An Act making an appropriation to pay the claim of Allen B. Lemmon against the State for publishing proposed constitutional amendments. Dickinson.....	609		
593	An Act to appropriate \$7,500 for the purpose of sending an expert to Australia, New Zealand, or other countries, to collect and import into this State for general distribution parasitical and predaceous insects which in those countries prey upon such species of fruit and tree pests as abound in the orchards of this State. Cutter.....	609	653	822
594	An Act making an appropriation to pay the claim of William O'Brien for advertising constitutional amendments. Cutter.....	609	1138	1546
595	An Act making an appropriation to pay the claim of Sutter Publishing Company for advertising the constitutional amendments. Cutter.....	609	1139	1547
596	An Act to provide for the laying out, opening, grading, sewer- ing, curbing, macadamizing or paving and sidewalking streets within municipalities or cities of five thousand inhabitants or over, and to condemn and acquire any and all lands necessary for that purpose. Stratton.....	609		
597	An Act making an appropriation to pay the claim of the Napa Journal for advertising the constitutional amendments for the year 1898. La Rue.....	609		
598	An Act relating to the storage of gunpowder, giant powder, or other combustible material. Feeney.....	609		
599	An Act making an appropriation to pay the claim of the San Francisco Bulletin for advertising the constitutional amend- ments for the year 1898. Shortridge.....	609	1118	1541
600	An Act making an appropriation to pay the claim of the Mer- cury Publishing and Printing Company for advertising the constitutional amendments for the year 1898. Shortridge.....	609	1139	1547
601	An Act to repeal an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacra- mento," approved March 25, 1872; and to repeal an Act en- titled "An Act to amend Section 6, of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 9, 1887; and to repeal an Act entitled "An Act to amend Sections 1, 5, 7, 8, 10, and 11 of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March 25, 1872," approved March 19, 1889. Doty.....	609		
602	An Act making an appropriation to pay the claim of the San Francisco News Letter for advertising the constitutional amendments for the year 1898. Shortridge.....	610		
603	An Act making an appropriation to pay the claim of the Evening Post Publishing Company for publishing the constitutional amendments submitted at the general election of 1898. Wolfe.....	646		
604	An Act making an appropriation to pay the claim of the Yreka Journal for advertising the constitutional amendments for the year 1898. Laird.....	646	1140	1548
605	An Act making an appropriation to pay the claim of the Shasta County Democrat for advertising the constitutional amend- ments for the year 1898. Laird.....	646		
606	An Act making an appropriation to pay the claim of the Alturas Plaindealer for advertising the constitutional amendments for the year 1898. Laird.....	646	1140	1548

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmbl'y
607	An Act making an appropriation to pay the claim of the Big Valley Gazette for advertising the constitutional amendments for the year 1898. Laird.....	646		
608	An Act to secure the registration of plumbers, and the supervision of plumbing and drainage in each city, and city and county, of the State of California. Luchsinger.....	646		
609	An Act making an appropriation to pay the claim of the Record Publishing Company for advertising the constitutional amendments. Langford.....	646	1141	1543
610	An Act to appropriate the sum of \$17,000 for the purpose of establishing a water sprinkling and pumping plant in the Yosemite Valley. Gillette.....	646		
611	An Act to appropriate the sum of \$13,000 for the purpose of establishing an electric light and lighting plant in the Yosemite Valley. Gillette.....	646		
612	An Act making an appropriation to pay the claim of Louise Rienzi for services rendered the State Board of Silk Culture as instructress and silk expert. Morehouse.....	646		
613	An Act appropriating \$5,000 for the purpose of sending an expert to eastern cities of the United States to collect and gather information concerning the transportation and sale of deciduous fruits from the State of California. Morehouse	647		
614	An Act making an appropriation to pay the claim of the Argus Publishing Company for advertising the constitutional amendments. Taylor.....	647		
615	An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Davis.....	647		
616	An Act making an appropriation to pay the claim of the Contra Costa Gazette for publishing the constitutional amendments for the year 1898. Dickinson.....	647	1141	1543
617	An Act making an appropriation to pay the claim of the San Francisco Abend Post for advertising the constitutional amendments. Wolfe.....	647	1142	1544
618	An Act to amend Section 2065 of the Political Code of California, relating to the National Guard and United States Volunteers therefrom. Nutt.....	647		
619	An Act making an appropriation to pay for the providing of additional committee rooms in the attic of the State Capitol, and requiring that the work be done under the direction of the Secretary of State. Bettman.....	654		
620	An Act making an appropriation to pay the claim of John W. Mitchell, for legal services. Simpson.....	654	1068	1641
621	An Act making an appropriation to pay the claim of W. D. Pennycook, publisher of the Vallejo Chronicle, for advertising constitutional amendments. Luchsinger.....	654		
622	An Act making an appropriation to pay the contingent expenses of the Commissioners for the Revision and Reform of the Law, for the forty-eighth, forty-ninth, and fiftieth fiscal years. Bulla.....	654	1432	1728
623	An Act to appropriate the sum of \$81 18 to pay the claim of C. A. Williams, for money due and owing the said C. A. Williams from the State of California. Bulla.....	654	1432	1728
624	An Act to appropriate the sum of \$200 to pay the claim of Scott Calhoun, for money due and owing the said Scott Calhoun from the State of California. Bulla.....	654	1432	1729
625	An Act to appropriate the sum of \$21 50 to pay the claim of M. G. Barrett, for money due and owing the said M. G. Barrett from the State of California. Bulla.....	654	1433	1729
626	An Act making an appropriation to pay the claim of the Daily and Weekly News, for advertising the constitutional amendments. Maggard.....	654	1143	1544
627	An Act making an appropriation to pay the claim of the Daily and Weekly Sentinel, for advertising the constitutional amendments. Maggard.....	655	1142	1544
628	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Maggard.....	655		

Number	TITLE.	Intro- duced	Passed Senate.	Passed Asm'ly
629	An Act to provide for the payment of \$400 to Ed E. Leake, proprietor of the Woodland Democrat, for the advertising of the constitutional amendments voted for at the general election held in 1898, and making an appropriation therefor. Cutter..	655	1143	1544
630	An Act to provide for the payment of \$125 to W. S. O'Brien, proprietor of the Sutter Independent, for the advertising of the constitutional amendments voted on at the general election held in 1898, and making an appropriation therefor. Cutter..	655		
631	An Act making an appropriation to pay the claim of H. B. Martin & Son, proprietors of the San Bernardino Evening Transcript, for publishing the constitutional amendments. Jones	655	1144	1545
632	An Act entitled an Act to amend the Political Code by adding a new section, prohibiting the imposing of a license upon any person soliciting orders for the sale of any articles manufactured or produced in this State, which under the laws of the United States cannot be legally imposed upon persons soliciting orders for the sale of like articles manufactured in any of the States of the United States. Leavitt	655		
633	An Act to provide for the payment for the advertising of the constitutional amendments and making an appropriation therefor. Leavitt	655	1145	1545
634	An Act to provide for the payment for the advertising of the constitutional amendments, and making an appropriation therefor. Leavitt	655		
635	An Act providing for the allowance and payment of the claim of Petaluma Printing Company against the State of California, and making an appropriation therefor. Sims	655		
636	An Act providing for the allowance and payment of the claim of McNab & Cassidy against the State of California, and making an appropriation therefor. Sims	655		
637	An Act providing for the allowance and payment of the claim of H. H. Granice against the State of California, and making an appropriation therefor. Sims	655	1146	1545
638	An Act providing for the allowance and payment of the claim of F. W. Cooke against the State of California, and making an appropriation therefor. Sims	655	1170	1591
639	An Act providing for the allowance and payment of the claim of Thomas M. Menihan against the State of California, and making an appropriation therefor. Sims	656		
640	An Act providing for the allowance and payment of the claim of R. E. Baer against the State of California, and making an appropriation therefor. Sims	656	1171	1591
641	An Act to pay the claim of the Oakland Enquirer Publishing Company, and making an appropriation therefor. Leavitt	656	1171	1591
642	An Act to prevent the hounding, chasing or hunting of deer with hounds, in the State of California. Leavitt	656		
643	An Act making an appropriation to pay the claim of the Placer Herald, published in Auburn, for advertising the constitutional amendments for the year 1898. Chapman	671	1172	1592
644	An Act making an appropriation to pay the claim of the Mountain Democrat, of Placerville, for advertising the constitutional amendments for the year 1898, authorized by the Governor of the State of California. Chapman	672	1172	1592
645	An Act making an appropriation to pay the claim of M. S. Levy, proprietor and publisher of the Jewish Times and Observer, for advertising the constitutional amendments. Wolfe	672	1173	1592
646	An Act authorizing the payment of compensation or commission to persons employed by the State Controller and Attorney-General or by Boards of Supervisors of the different counties to collect delinquent State and county taxes, and legalizing all payments made for that purpose. Langford....	672		
647	An Act for the relief of J. E. Atkinson, for personal injuries received by him while in the service of the State. Langford..	672		

Number	TITLE.	Intro- duced	Passed Senate.	Passed Assembly
648	An Act to provide for filling vacancies in the offices of incor- porated cities where there has been a failure of election for more than two years, and a refusal of those last elected to continue in the discharge of the duties of their offices for more than two years, and to provide that the persons appointed to fill such vacancies shall qualify, discharge the duties of such offices until their successors are elected and qualified, and make provision for an election by the legally qualified electors of such incorporated cities to fill such offices. And to provide that the official acts of officers so provisionally appointed and processes served upon them shall be valid. Ashe	672		
649	An Act to amend Sections 650, 651, 653, 658, 659, 660, 661, 662, 939, 940, 950, 951, 953, 963, of the Code of Civil Procedure, relating to appeals and the practice thereto; and to repeal Section 952 thereof, relating to the same subject. Nutt	672		
650	An Act making an appropriation to pay the claim of the San Diego Vidette for advertising the constitutional amendments. Nutt	672	1173	1602
651	An Act making an appropriation to pay the claim of J. W. Travers, assignee of the Alameda Daily Evening Encinal, for advertising the constitutional amendments for the year 1896. Leavitt	672	1174	1641
652	An Act making an appropriation to pay the claim of the Herald Publishing Company (San José), for advertising the constitutional amendments for the year 1896. Morehouse	672		
653	An Act to pay the claim of the News Publishing Company for official advertising. Morehouse	673	1174	1642
654	An Act making an appropriation to pay the claim of Downey Champion for advertising constitutional amendments. Cur- rier	673	1249	1650
655	An Act making an appropriation to pay the claim of the Appeal Publishing Company, for advertising constitutional amend- ments. Cutter	673		
656	An Act to appropriate the sum of \$300 to pay the claim of F. V. Dewey, for money due and owing the said F. V. Dewey from the State of California. Pace	673		
657	An Act appropriating the sum of \$630 to pay the claim of Ben M. Maddox, for money due and owing the said Ben M. Mad- dox from the State of California. Pace	673	1175	1552
658	An Act to amend Section 1704 of the Code of Civil Procedure, relating to the appointment of guardians for insane and incompetent persons. Flint	673	1386	
659	An Act to repeal Sections 3824 and 3825 of the Political Code, relating to collection of taxes. Braunnhart	673		
660	An Act to provide for the giving of bonds by the keepers of intelligence offices, defining the same, and their liabilities. Bettman	685		
661	An Act to appropriate the sum of \$300 to pay the claim of J. B. Sanford, for money due and owing the said J. B. Sanford from the State of California. Prisk	686		
662	An Act to amend Section 1416 of the Civil Code, relative to water rights. Davis	686	1074	1511
663	An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and wit- nesses in this State," approved March 28, 1895. Leavitt	686		
664	An Act to amend an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889 (Statutes of 1889, page 32), by adding thereto two new sections providing for the recovery of damages for any detriment or injury suffered by any person by reason of the enforcement of said Act. Simpson	686		
665	An Act entitled an Act authorizing the Board of Supervisors of any county from time to time to refund a bonded indebted- ness. Sims	686		
666	An Act to provide for the payment for advertising of the consti- tutional amendments, and making an appropriation therefor. Wolfe	686	1176	1556

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
667	An Act to provide for the appointment of an unsalaried commission to investigate and report upon methods for the preservation of the forests of the State. Bulla	686		
668	An Act to provide for the branding and marking of live stock, for taxing brands and marks, and for the recording of brands and marks, to prevent the defacing of brands and marks, to provide penalties for violation thereof, and to repeal all Acts and parts of Acts in conflict herewith. Smith	686		
669	An Act making an appropriation to pay the claim of Alfred Harrell, publisher of the Bakersfield Californian, for advertising the constitutional amendments. Smith	686		
670	An Act to add a new section to the Political Code, to be known and numbered as Section 540, creating the State Printing Fund, authorizing its use and prescribing the duties of the Superintendent of State Printing, Controller, and Treasurer, in connection therewith, all relating to State printing. Dickinson	706		
671	An Act to amend Section 1884 of the Code of Civil Procedure, relating to interpreters. Bulla	706		
672	An Act to amend subdivision second of Section 1, Article III of an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887. Morehouse	706		
673	An Act to appropriate money to pay the Oakland Enquirer Publishing Company for printing 1,000 copies of reports of the California Voting Machine Commission, which work was performed under contract with C. B. Morgan, Secretary of said commission, under authority of the California Voting Commission. Leavitt	706		
674	An Act making an appropriation to pay the claim of the Hollister Bee, for advertising the constitutional amendments for the year 1898. Flint	706	1176	1556
675	An Act creating a commission to make an investigation and report upon the subject of reform in State taxation, and making an appropriation therefor. Stratton	706		
676	An Act to regulate the practice of electro-therapeutics in the State of California. Braunhart	706		
677	An Act placing all companies selling certificates, bonds, or debentures with coupons attached thereto, on the partial payment or installment plan, doing business in this State, under the supervision and control of the State Board of Bank Commissioners. Wolfe	706		
678	An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 26, 1895. Wolfe	715		
679	An Act to appropriate the sum of \$2,100 to pay the claim of James A. Devoto, assignee of E. Patrizi and G. Almagia, owners and publishers of L'Italia, for money due and owing to the said James A. Devoto, assignee as aforesaid, from the State of California, for publishing constitutional amendments. Wolfe	715	1177	1556
680	An Act to amend an Act entitled "An Act to advance learning, the arts and sciences and to promote the public welfare, by providing for the conveyance, holding, and protection of property and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums and galleries of art," approved March 9, 1885, granting additional powers to the founders and trustees of such institutions, and to add a new section thereto. Morehouse	715		
681	An Act making an appropriation to pay the claim of the Fresno Evening Democrat for advertising constitutional amendments. Pace	715	1177	1557
682	An Act making an appropriation to pay the claim of the Riverside Daily Enterprise, for advertising constitutional amendments. Pace	715	1180	1647

Number	TITLE.	Intro- duced	Passed Senate.	Passed As'mbly
683	An Act to amend Section 634 of the Penal Code. Maggard	715		
684	An Act making an appropriation to pay the claim of Raleigh Barcar, publisher of the Vacaville Reporter, for advertising constitutional amendments. Luchsinger	715	1178	1590
685	An Act making an appropriation to pay the claim of George Roe, publisher of the Vallejo Times, for advertising constitutional amendments. Luchsinger	715	1178	1590
686	An Act making an appropriation to pay the claim of the Herald Publishing Company, for advertising the constitutional amendments for the year 1898. Shortridge	715		
687	An Act to provide for the payment of the claim of the Blue Lake Advocate, for advertising the constitutional amendments, and making an appropriation therefor. Gillette	729		
688	An Act to appropriate the sum of \$2,500 to pay the claim of Mrs. Lucy Underwood McCann, for money due and owing the said Lucy Underwood McCann from the State of California. Trout	729		
689	An Act to establish uniform rates to be charged for telephone instruments and telephone service in this State, and declaring a penalty for the violation of the provisions thereof. Nutt	729		
690	An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over 100,000 inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building, or buildings, for municipal purposes, in addition to land acquired or buildings erected and constructed, or in process of erection and construction, under and by virtue of the provisions of Chapter CXCVIII of the law of 1895, approved March 27, 1895. Ashe	729		
691	An Act to provide for the appointment of a State Quarantine Officer by the State Board of Health, and to abolish the office of Quarantine Officer to the Board of Health for the City and County of San Francisco. Maggard	729		
692	An Act making an appropriation to pay the claim of the Redwood City Democrat, for advertising constitutional amendments. Trout	729	1179	1590
693	An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891, by defining who and what are practicing pharmacists. Doty	729		
694	An Act making an appropriation to pay the claim of W. L. Dunn, publisher of the River News, for advertising constitutional amendments. Luchsinger	730	1179	1591
695	An Act to amend Section 5 of "An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made," approved March 24, 1893. Pace	730	877	1330
696	An Act to amend Sections 1637 and 1638 of the Political Code, relating to the public schools. Boyce	730		
697	An Act repealing an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State," etc., approved March 28, 1895. Boyce	730		
698	An Act making an appropriation to pay the claim of the Daily Independent, for advertising constitutional amendments. Boyce	730	1180	1643
699	An Act providing what imprint shall be placed on bills, placards, posters, pamphlets, and other printed matter having reference to an election or to any candidate, and providing a punishment for a violation thereof. Burnett	742		
700	An Act to appropriate \$1,125 to pay the unpaid salary of the late Dennis Spencer as attorney for the State Board of Health and the Board of Health of the City and County of San Francisco from July 15, 1895, until and including November 30, 1895. La Rue	742	1317	1718
701	An Act to amend Section 165 of the Penal Code of this State. Wolfe	743		
702	An Act to create a Board of Building and Loan Commissioners; to prescribe its duties and powers, and to repeal all conflicting Acts. Bulla	743		
703	An Act to amend Section 1670 of the Political Code. Nutt	743		

Number	TITLE.	Intro- duced.	Passed Senate	Passed Assembly
704	An Act authorizing the Governor to order the transfer to the General Fund of any money that may be in other funds of the State Treasury, and the return thereof to such funds. Dickinson	743		
705	An Act making an appropriation to pay the claim of Le Franco-Californien, for advertising the constitutional amendments for the year 1894. Wolfe	749		
706	An Act making an appropriation to pay the claim of La Voce del Popolo, for advertising the constitutional amendments for the year 1894. Wolfe	749		
707	An Act making an appropriation to pay the claim of Le Franco-Californien, for advertising the constitutional amendments for the year 1898. Wolfe	749	1181	1648
708	An Act making an appropriation to pay the claim of James G. Saxton against the State of California. Wolfe	749		
709	An Act to amend Section 562 of the Civil Code, relating to homestead corporations. Ashe	479		
710	An Act to pay the claim of Talbot H. Wallis against the State of California. Dickinson	749		
711	An Act to prevent the sale of intoxicating liquors on the first day of the week, commonly called Sunday. Simpson	749		
712	An Act to appropriate the sum of \$1,150 50 to pay the claim of Bancroft, Whitney & Co., for money due and owing the said Bancroft, Whitney & Co. from the State of California. Bulla	749	1389	1728
713	An Act to provide for certain improvements and repairs at the State Normal School at San José, and making an appropriation therefor. Morehouse	749		
714	An Act to enable all counties, incorporated towns, or cities, or consolidated cities and counties of this State to use automatic voting or ballot machines at all elections therein. Smith	749		
715	An Act to amend Section 474 of the Political Code of the State of California, relating to the duties of the Attorney-General to institute investigation for the discovery of real and personal property which may have or should escheat to the State; also an Act to add an additional section to the Political Code of the State of California, to be designated as Section 474½. Ashe	751		
716	An Act to repeal Section 672 of the Civil Code of the State of California, relating to non-resident aliens. Ashe	751		
717	An Act to amend Section 1404 and to repeal Sections 1405 and 1406 of the Civil Code of the State of California. Ashe	751		
718	An Act making an appropriation to pay the claim of the Colusa Sun Publishing Company, publishers of the Colusa Sun, for advertising constitutional amendments. Doty	751	1182	1648
719	An Act to appropriate the sum of \$357 to pay the claim of the Santa Ana Standard, for money due and owing the said Santa Ana Standard from the State of California, for the printing of constitutional amendments in the said Santa Ana Standard. Jones	751	1182	1649
720	An Act to authorize and permit the use of the Great Seal of the State of California and such other appropriate designs pertaining to the State by the order of the Native Sons of the Golden West, a patriotic order, created and existing under the laws of California, in making of medals to be presented by and under the auspices of said order to the officers and members of the United States volunteer troops from California, who have been in active service in the late war with Spain. Flint	782		
721	An Act to amend Section 1379 of the Political Code, relating to the election of delegates to conventions of political parties at elections known and designated as primary elections. Stratton	870	884	1070
722	An Act making an appropriation to pay the expenses incurred for the funeral of the late State Treasurer, Levi Rackliffe. Smith	996	1096	1550
723	An Act making an appropriation for the contingent expenses of the Senate, for the thirty-second session of the Legislature. Dickinson	1002	1076	1293

Number	TITLE.	Intro-duced.	Passed Senate.	Passed Assembly.
724	An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Clerk of the Supreme Court. Dickinson	1002	1381	1737
725	An Act entitled an Act to amend Section 751 of the Political Code of the State of California, and providing for the appointment of a chief deputy clerk and five deputy clerks of the Clerk of the Supreme Court. Dickinson	1002	1381	1738
726	An Act making an appropriation to pay the claim of the Weekly New Era, for advertising the constitutional amendments. Dickinson	1003	1193	1649
727	An Act making an appropriation to pay the claim of the Daily Hanford Journal, for advertising constitutional amendments. Dickinson	1003	1194	1649
728	An Act making an appropriation to pay the claim of The County Paper, for advertising the constitutional amendments. Dickinson	1003	1194	1650
729	An Act making an appropriation to pay the claim of Wm. Thompson Co., for advertising constitutional amendments. Dickinson	1003		
730	An Act making an appropriation to pay the claim of G. E. Arnold, for advertising constitutional amendments. Dickinson	1003		
731	An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 64½, relating to elections, by providing for the punishment of offenses at primary elections. Stratton	1116	1145	1433
732	An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition and as to the health of stock, and to prevent the sale of milk and the products of milk drawn from diseased animals to the people of this State, and to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor. Dickinson	1116	1167	1543
733	An Act making an appropriation for pay of officers and clerks, Senate, thirty-third session. Dickinson	1206	1404	1662
734	An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the Controller and Treasurer to transfer the amount herein appropriated from the General Fund to said Adult Blind Fund. Dickinson	1251	1404	1726
735	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 191, 197, 198, and 207 thereof. Curtin	1286	1410	1716
736	An Act to amend Section 158 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Burnett	1286		
737	An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Bulla	1286	1410	1667
738	An Act amending Section 167 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Morehouse	1287	1412	
739	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 180 thereof. La Rue	1287	1412	1668
740	An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Gillette	1287	1412	1668
741	An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Nutt	1307	1413	1669
742	An Act amending Section 193 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Maggard	1307	1413	1669
743	An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 15, 1897. Langford	1307		

Number	TITLE.	Intro-duced.	Passed Senate.	Passed Asm'ly
744	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 179 of said Act, relating to counties of the twenty-second class. Boyce.....	1307	1413	1669
745	An Act to amend Section 194 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Cutter.....	1307	1414	1669
746	An Act to amend Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Cutter.....	1307	1414	1670
747	An Act to amend Section 181 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Cutter.....	1308	1414	1670
748	An Act making an appropriation to repair the roof, gutters, and conductors on the State Capitol building, etc. Dickinson	1361	1405	1727
749	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 of said Act, relating to and providing for the government of counties of the fourth class. Morehouse.....	1361	1414	
750	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Sections 185, 208, and 209. Laird	1361	1415	1670
751	An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges. Curtin	1444	1479	1717

SENATE RESOLUTIONS.

Number	TITLE.	Intro-duced.	Passed Senate.	Passed Asm'ly
SENATE JOINT RESOLUTIONS.				
1	Relative to ratification of treaty of peace between Spain and the United States. Rowell.....	25		
2	Relative to ratification of the treaty of peace between Spain and the United States. Com. Substitute.....	25	30	
3	Relative to the election of United States Senators by direct vote of the people. Braunhart.....	34		
4	Relative to improvement of Humboldt Bay. Gillette.....	34	149	236
5	Relative to pensions for survivors of Indian wars, or their widows. Burnett.....	55	149	
6	Relative to the construction of navy yards and ship building. Luchsinger.....	59	145	298
7	Relative to false branding of food products. Flint.....	91	429	562
8	Relative to the irrigation of arid lands. Nutt.....	91	283	540
9	Relative to the abrogation of that portion of the Stanislaus forest reserve in Alpine County, or in lieu thereof the permission of pasturage of sheep in said portion thereof for the year 1899. Davis.....	104	312	
10	Relative to construction and ownership of Nicaragua Canal. Currier.....	118	292	454
11	Relative to money now due and unpaid to the State of California from the National Government. Trout.....	118	658	973
12	Relative to improvement of San Pablo Bay. Luchsinger	118	319	511
13	Relative to "House Bill No. 5861." Davis.....	276		

Number	TITLE.	Intro- duced	Passed Senate.	Passed Assembly
14	Relative to the return of the First Regiment of California Infantry of United States Volunteers to their homes and families without delay. Wolfe.....	295	379	
15	Relative to an amendment to the Constitution, forbidding polygamy within the United States, and making a polygamist ineligible to public office. Shortridge.....	334	409	561
16	Relative to the subsidizing of American steamship lines. Boyce.....	334		
17	Relative to the mineral lands within the railroad land grants of California, and the segregation and reservation of said mineral lands. Davis.....	433	845	
18	Relative to Yosemite National Park. Curtin.....	591	991	1156
19	A resolution as to making upon the Island of Molokai a leper hospital, for the care of all lepers within the United States. Dwyer.....	516	926	1507
20	Relating to construction of Pacific cable, and requesting that Congress require the same to be of American make. Wolfe.....	904	905	1090
21	Relative to the Mineral Land Bill. Davis.....	978	978	1147
22	Relative to allowing stock to be pastured on Stanislaus, Mariposa, and Sequoia forest reserves. Curtin.....	1056	1056	1275
SENATE CONCURRENT RESOLUTIONS.				
1	Relative to committee of three to confer with Assembly committee of four about inaugural ceremonies, and giving them power to act, etc. Dickinson.....	7	7, 67	8
2	Relative to Joint Assembly to open election returns. Smith.....	11	11	
3	Relative to Vallejo city charter. Luchsinger.....	59	259	297
4	Relative to a committee to draft resolutions in memory of the late Senator John Boggs. Dickinson.....	371	371	429
5	Relative to setting apart a room in the State Capitol building for office of Lieutenant-Governor. Boyce.....	470	471	634
6	Relative to the absence of Lieutenant-Governor Neff from the State, not to exceed six months. Boyce.....	480	480	553
7	Relative to California troops at Manila. Davis.....	520	520	603
8	Relative to the adjournment of the Legislature on the fourth day of March, 1899. Curtin.....	718		
9	Relative to adjournment <i>sine die</i> . Committee on Rules and Revision.....	785	785	
10	Relative to leave of absence for Dr. Geo. I. Drucker. Burnett.....	975	975	1148
11	An Act relative to adjournment of this Legislature at midnight, March 15, 1899. Smith.....	1006		
12	Relative to the absence of Senator Pace from this State for a period not to exceed six months. Flint.....	1160	1160	1419

SENATE CONSTITUTIONAL AMENDMENTS.

Number	TITLE.	Intro-duced.	Passed Senate.	Passed Assembly.
1	Relating to the judiciary, and establishing Courts of Appeal. Dickinson			
2	Proposing an amendment to Article IV of the Constitution of the State of California, relating to the Judicial Department. Simpson	53		
3	Proposing an amendment to Section 7, Article I of the Constitution of this State, relating to the rights of trial by jury, and number of jurors necessary to render a verdict. Taylor	53		
4	Proposing an amendment to the Constitution of the State by adding a new section to be known and designated as Section 2½, Article II thereof, concerning primary elections. Stratton	58	985	1580
5	Proposing an amendment to the Constitution of the State by adding a new section to be known and designated as Section 7½, Article II thereof, providing for the framing by inhabitants of counties of local county government acts for their own government. Stratton	58		
6	Proposing an amendment to Section 8, Article II of the Constitution of the State of California, relating to charters. Braunhart	59		
7	Proposing to amend the Constitution of the State by adding to Article XIII thereof a section in relation to the exemption from taxation of churches and chapels, and the real property on which they are situated, said new section to be inserted after Section 1 of said Article XIII, and to be designated as Section 1½ of said article. Wolfe	99		
8	Proposing the repeal of Section 22 of Article XII of the Constitution, in relation to Railroad Commissioners. Trout	104		
9	Relative to the compensation of Supreme and Superior Court Judges. Cutter	118	983	1580
10	Relative to State indebtedness, authorizing the issuance of bonds for the purpose of the construction of a system of State highways. Cutter	118		
11	Proposing an amendment to the Constitution of the State, by adding a new section to be known and designated as Section 10, Article IX thereof, confirming the founding of the Leland Stanford Junior University, delegating certain powers to the Trustees thereof, and exempting certain of its property from taxation. Shortridge	262		
12	Relating to the Judicial Department of the Government of the State of California. Davis	334	1160	
13	Relating to Clerk and Deputy Clerk of the Supreme Court, and Clerk and Deputy Clerks of the District Courts of Appeal. Davis	334		
14	Relative to amending Article XIII of the State Constitution. Taylor	360	984	1538
15	Relative to an amendment to Section 18 of Article XI of the Constitution, in relation to revenue and taxation. Luchsinger	415	1160	1731
16	Relative to the judiciary. Stratton	490		
17	Relative to amending Section 1 of Article IV of the Constitution of the State of California, relating to legislative power. Bulla	501		
18	Proposing an amendment to Article VI of the Constitution of the State of California, relating to the Judiciary Department. Davis	516		
19	Proposing an amendment to the Constitution of the State of California, by adding a new section to Article XIII of said Constitution, to be numbered 12½, relating to revenue and taxation. Trout	686		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
20	Proposing an amendment to Article IV of the Constitution, adding thereto a new section, to be numbered 36, allowing the Legislature to enact local laws, or make exceptions to the operation of general laws, by a four-fifths vote. Cutter	743		
21	Proposing an amendment to the Constitution of the State, amending Section 5 of Article XI, relative to the compensation of county and township officers. Smith	749	1159	1648
22	An Act relating to the judiciary, and establishing Courts of Appeal. Dickinson	1158	1211	1647
23	Proposing an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters. Luchsinger		1259	



8/15/80 c.c.c.

